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DOMESTIC WORKERS ON EMPLOYMENT AUTHORIZATIONS

This is a Report of the Task Force on
Immigration Practices and Procedures established by
the Honourable Lloyd Axworthy,
Minister of Employment and Immigration,
in September 1980.

APRIL, 1981

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DOMESTIC WORKERS ON EMPLOYMENT AUTHORIZATIONS

A REPORT OF THE TASK FORCE ON IMMIGRATION PRACTICES AND PROCEDURES

April 1981



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Office of the Minister
Employment and Immigration
Task Force on Immigration
Practices and Procedures

Cabinet du Ministre
Emploi et Immigration
Groupe d'étude sur les pratiques
et procédures de l'Immigration

Hon. Lloyd Axworthy
Minister of Employment & Immigration
OTTAWA, Ontario
K1A 0J9

Dear Mr. Axworthy:

In accordance with your request, the Task Force has accelerated the completion of its Report on Foreign Domestic Workers on Employment Authorizations. In the absence of the Chairman, Mr. W.G. Robinson, who, as you know, is overseas, I am transmitting this Report to you.

We hope that the Report will provide a focus for action in addressing your general concern with respect to the plight of these women.

The Task Force wishes to acknowledge the valuable contribution to its deliberations on this subject, of Mary Eberts, Consultant to the Task Force.

Yours sincerely,

Ed Ratushny

Edward Ratushny
Acting Chairman

Attach.

Ottawa K1A 0J9

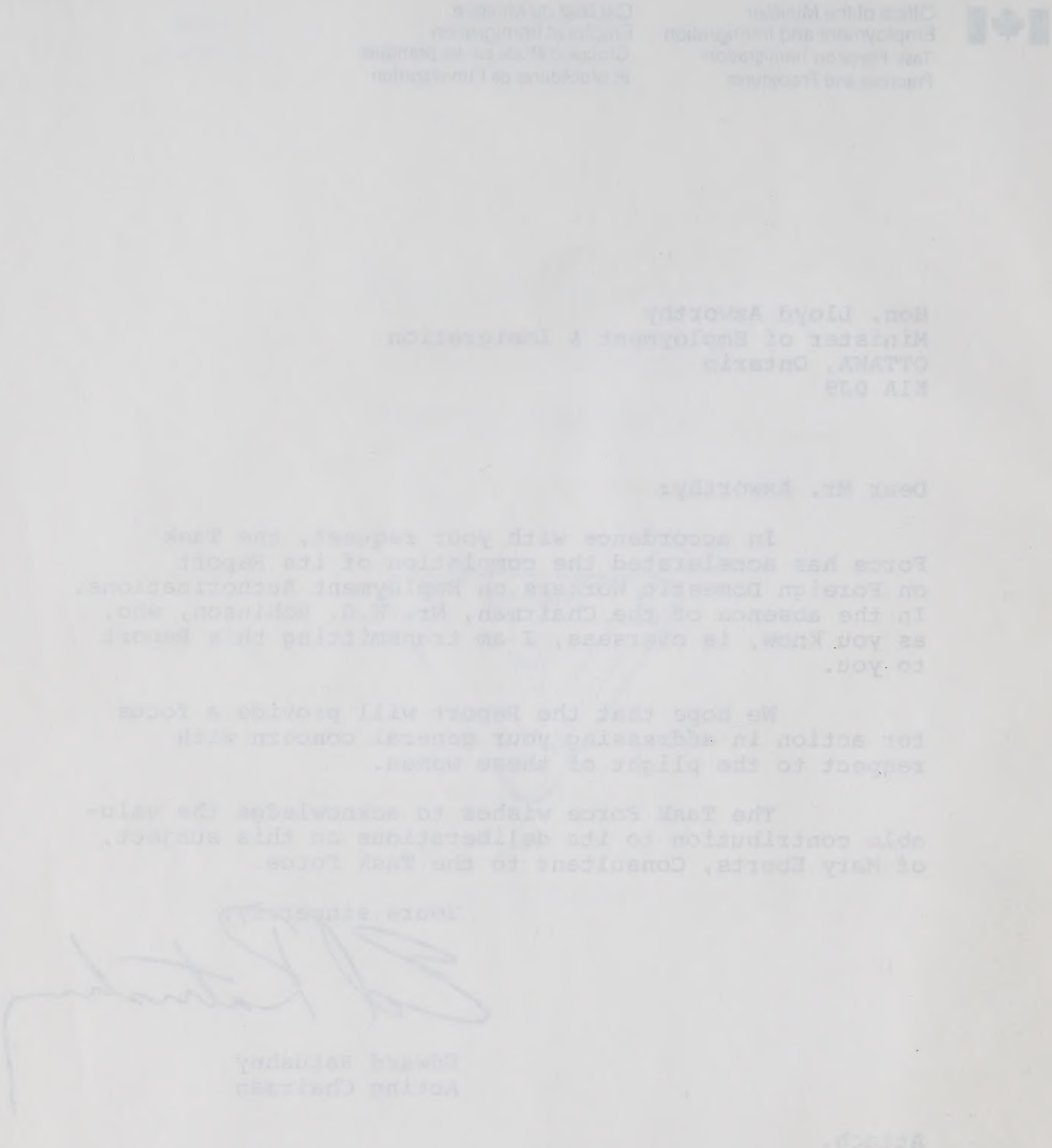


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BACKGROUND

The Task Force on Immigration Practices and Procedures was established by the Honourable Lloyd Axworthy in September of 1980 to advise the Minister on the apparent objectives of the Immigration Act (1976) and on the extent to which these objectives are being met under existing regulations, procedures and practices, bearing in mind the need both to protect the interests of Canada and to achieve fairness in the treatment of individuals.

The members of the Task Force are as follows:

W.G. Robinson (Chairman)
Barrister, Vancouver

Carter Hoppe
Barrister, Toronto

David Matas
Barrister, Winnipeg

Ed Ratushny
Law Professor, Ottawa

Manon Vennat
Barrister, Montreal

In addition, the Task Force has had the valuable services of Mary Eberts, Barrister and Chris Taylor, Economist, who acted as consultants and Julie Brusse who acted as Co-ordinator.

Among specific aspects to be examined were the following:

1) the application process;
2) problems surrounding the representation of applicants;
3) the use of employment authorizations;
4) the use of Ministerial discretion; and
5) procedures for the determination of refugee status.

This report deals largely with the problems related to employment authorizations. Another report has already been submitted in relation to the problems surrounding the representation of applicants. The Minister has announced his intention of publishing the latter report in the form of a "discussion paper". The Task Force is in the final stages of its work and will be submitting all of its reports to the Minister before the end of April.

SUMMARY OF OBSERVATIONS, CONCLUSIONS AND RECOMMENDATIONS

CHAPTER ONE: INTRODUCTION

In this chapter, the Task Force outlines two broad areas of concern in relation to foreign domestic workers in Canada. The first is related to the working conditions of such workers. The second relates to the opportunity for them to achieve status as landed immigrants.

Factors leading to unfavourable working conditions are described.

Two aspects of immigration status are considered. The question of direct landing from abroad is complicated by conditions in the Canadian labour market, the high mobility out of domestic work by persons with landed status and equitable considerations in relation to others seeking permanent entry from abroad. The question of landing domestics with long service in the country is also raised.

CHAPTER TWO: LEGISLATION, REGULATIONS AND GUIDELINES

A. LANDING

1. Assessment Criteria:

The relevant legislative provisions and portions of schedule I, established under the regulations to provide assessment criteria are set out. These criteria are examined in their application to foreign domestic workers. The Task Force concludes that because of certain restrictions, it is virtually impossible for someone to obtain landing on the basis of a plan to work as a domestic.

2. Discretion:

The relevant legislative provisions which authorize the Minister and the Cabinet to exercise a discretion to authorize landing are set out. Reference is made to the policy of not renewing employment authorizations beyond a three year period, which prevents the operation of guidelines permitting landing in Canada.

B. EMPLOYMENT AUTHORIZATIONS

1. Current Difficulties:

Difficulties are created for foreign domestic workers by the requirement of a job offer which may force reliance upon unscrupulous employment agencies. Moreover, the designation of an employer in relation to the employment authorization places a heavy reliance by the worker upon her original job. The problem is compounded by the unavailability to unemployed domestics of the services of Canada Employment Centres (CEC's).

2. Recent Initiatives:

Recent initiatives by Ministers of Immigration have alleviated some of these difficulties.

3. Offers of Employment:

The contractual status of foreign domestic workers and the role which the Immigration Commission should take in relation to the actual terms of

employment contracts for these workers are discussed.

CHAPTER THREE: PROFILES AND ATTITUDES

A. PROFILE OF EMPLOYERS OF FOREIGN DOMESTICS

Studies providing information as to the nature of employers who employ foreign domestic workers are discussed. Household income levels for these employers are high. The main reason for having a "live-in" domestic appears to be for child care to enable both spouses to be freed for the job market.

Some implications of this profile are discussed. There is "room" available for improving wages and working conditions. Substitute services for child care do not provide all of the features of the "live-in" domestic. Moreover, alternative services are not always available and, if adopted, may deprive others of them.

B. PROFILE OF FOREIGN DOMESTIC EMPLOYEES

Studies providing information as to the nature of foreign domestic workers in Canada are discussed.

C. ATTITUDES OF CANADIAN WORKERS

Consideration is given to the unwillingness of Canadian workers and landed immigrants to take and keep jobs as live-in domestics, regardless of labour market conditions. Low wages and unsatisfactory working conditions are significant.

However, it cannot be assumed that higher wages and better working conditions will necessarily attract more Canadians to these positions. The apparent stigma attached to this work and the lack of privacy related to the live-in feature makes such an assumption questionable.

CHAPTER FOUR: WAGES AND WORKING CONDITIONS

Information is presented as to the wages and working conditions of live-in household workers. Wages remain low. Income tax payments and contributions to Unemployment Insurance and the Canada Pension Plan are discussed.

The Task Force expresses the view that there is a need for a thorough review of the revenue implications of domestic employment, with a view to having more assets in the hands of the domestic and her employer and fewer in the hands of the state. Favourable consideration is given to the proposal that employers be permitted, under the Income Tax Act to claim a full deduction for the expense of employing a domestic worker as well as for day-care services.

CHAPTER FIVE: PROVINCIAL LABOUR STANDARDS LEGISLATION

A survey is provided of the coverage of domestic workers by provincial labour standards legislation. Coverage is by no means uniform and is non-existent in Alberta, New Brunswick and Nova Scotia.

CHAPTER SIX: POLICY OPTIONS AND RECOMMENDATIONS

1. General:

Four policy options are advanced. These are discussed under the next four headings.

2. Denying Entry:

The option of completely excluding all foreign domestic workers has a superficial attraction. The reduction in supply should drive up wages to the point where Canadians would be attracted to these positions.

However, the reasons why Canadians do not take such positions may be resistant to the price mechanism. Complete exclusion of foreign domestics may, therefore, simply bring about a prolonged period of vacuum which will attract illegals to domestic occupations. Such workers are even more susceptible to employer abuses. It is not realistic to expect rapid expansion of satisfactory substitute services, particularly day care, at the present time.

The Task Force, therefore, recommends rejection of the option of cutting off all in-flow of domestic workers.

3. Restricting Entry to Landed Immigrants Only:

Since the present selection criteria for landing make it virtually impossible for domestics to be admitted on this basis, this option would virtually deny entry to all domestics. In view of the previous comments, this

option could be adopted by the Task Force only if the selection criteria were changed. Some of these selection criteria are discussed.

The Task Force recommends that the Canadian Classification and Dictionary of Occupations (CCDO) classifications related to domestic work be revised to reflect a higher value.

The Task Force further recommends that the regulations be amended to remove the requirement to rate every job (the Specific Vocational Preparation or SVP) by the values assigned by the CCDO. Alternatively, a separate regulation could modify the values assigned in the CCDO for the purposes of schedule I.

The Task Force further recommends that the schedule be modified so that assessment for experience is not restricted by the SVP assessment.

The Task Force further recommends that the present "0" rating for domestic occupations be modified to take into account the high demand which exists, at least in certain urban centres.

The proposal that special assessment criteria be established applicable only to this group of workers would distort the entry system. It would also stress the somewhat dubious status attached to domestic work and make more tempting the notion of requiring some mechanism to keep domestics in their jobs once they have landed.

However, even with a modification of the point system, a "landings only" approach could produce a drastic reduction in supply, with the concomitant problems discussed above in rejecting the option of a total prohibition on the

entry of foreign domestic workers. This approach would also have undesirable consequences for the "student adventurer". Moreover, it would be undesirable to exclude only one occupation from the availability of employment authorizations.

The Task Force, therefore, recommends rejection of the option of restricting the entry of domestic workers to those who come as landed immigrants.

4. Restricting Entry to Employment Authorizations Only:

One perceived advantage of relying exclusively upon employment authorizations would be to avoid the problem of keeping these workers employed as domestics once they are landed. This approach would also avoid the perceived problem of a consequential influx of large numbers of family class immigrants who might experience difficulty integrating into Canadian society.

However, to exclude a particular class of employee from landing would be a significant distortion of our application process. Opportunities for domestic workers to land should be expanded rather than eliminated. The two perceived problems described above might be put in other ways and, in any event, may not be significant, depending upon the volume of landings of domestic workers which would ensue.

The Task Force, therefore, recommends rejection of the option of restricting the entry of domestic workers to those who come on temporary employment authorizations.

The Task Force also recommends rejection of the proposal that all landings of domestic workers should bear a condition of service in this capacity for a specified period of time.

5. Continued "Combination" with Modifications:

The Task Force, therefore, recommends that employment authorizations continue to be available for domestic workers while, at the same, the opportunity for their entry as permanent residents is broadened. (The recommendations which follow are advanced in the context of adoption of this recommendation.)

The Task Force further recommends that all domestic workers entering Canada be told clearly in advance that authorizations will not be renewed beyond two or three years and that, thereafter, if permanent residence is sought, application will have to be made from outside Canada.

The Task Force further recommends that foreign domestic workers who have been in Canada on employment authorizations for more than one year should be "grandmothered" - permitted to seek landing from within Canada under the revised point system and allowed to remain in Canada working as domestics until their applications are processed. Special consideration to allow landing from within is appropriate here since expansion of the opportunity to land would have resulted not from changed personal circumstances, but from a change in the legal regime. Moreover, the generally low wages of this group of employees would impose a special hardship in requiring them to leave the country in order to apply. Specific safeguards would be required and are suggested.

The Task Force welcomes the Minister's recent statement that clear quarantees will be provided to permit temporary foreign domestics to find another job where the original job is terminated and that the services of the Canada Employment Centres would be put at the disposal of domestics who find themselves in this situation.

The Task Force recommends that a guaranteed "grace period" for finding another job be established in law through formal amendment of the regulations.

The Task Force also recommends that there be no changes in the requirement that domestic workers contribute to Unemployment Insurance and the Canada Pension Plan but that, on leaving Canada, domestic workers who have been on employment authorizations should be provided with proper forms and information permitting them to claim the refund of CPP contributions. (The continued requirement of such contributions must be considered in the context of the increased opportunity for successful landing which would be provided.)

The Task Force recommends that the Confirmation of Offer of Employment should be modified so that it overtly purports to create a contract.

The Task Force recommends that the policy be adopted of denying to an employer, who is proven to have been in persistent or serious violation of the contract, the right to obtain another worker or an employment authorization.

The Task Force recommends that the Minister make efforts to encourage the various provinces to establish and improve their minimum standards legislation. Federal intervention in contract content beyond validation on the basis of "prevailing rates" is not recomended at this time.

6. Broader Considerations:

The Task Force stresses that the broader issue of establishing quality home work services must be faced.

The Task Force recommends that the Minister press for the introduction of provisions which would permit the real cost of home work services to be deductible for income tax purposes.

7. Conclusion:

The Task Force recommends that a period of time, though not prolonged, should be available for full public discussion of these issues, but that implementation of reforms should occur as indicated rather than awaiting comprehensive assessment of every aspect of the problem.

CHAPTER ONE

INTRODUCTION

This report deals with problems related to foreign workers who are admitted to Canada on temporary employment authorizations (normally for a one-year period, often with renewals) for the purpose of employment as domestic workers. These problems may, generally, be divided into two broad categories, namely, those related to the working conditions of these employees once in Canada, and those related to allowing such workers to achieve more permanent status in Canada as landed immigrants.

Perhaps the most well-publicized feature of the situation of foreign domestics is their subjection to low wages and unfavourable working conditions which are said, in many cases, to amount to exploitation. Of course, not all such employees are treated in this manner. Nevertheless, there have been sufficient reports of mistreatment to focus public attention on their plight and their particular vulnerability to abuse.

There are, in turn, a number of factors contributing to the vulnerability of the foreign domestic employee. She usually works by herself in a private home, often with few opportunities to socialize. This isolation and her temporary status offer virtually no opportunities for collective action with others similarly situated. She depends on her employer not only for her wage, but also for her dwelling place and continued stay in the country. While she is legally entitled to remain in Canada as a visitor, for all practical purposes, she can remain only so long as she is in domestic employment and must report a change of status (i.e. loss of job) to appropriate officials immediately. It will then fall within the discretion of officials whether she has an "unofficial" grace period within which to find another job or whether she will be left in the position of having to leave Canada immediately.

Moreover, the studies show a significant disparity in economic and social situations between employer and employee. While a large proportion of domestics granted employment authorizations in 1980 were from the Philippines and the Caribbean, their employers have been shown to be in the $40,000+ family income bracket. It is not unfair to suggest that a live-in domestic would find it hard, simply as a matter of "personal politics", to assert her interests with someone presumably so much more adept at the Canadian "system" than she.

Finally, the protection to be found for the domestic in provincial labour laws is uneven and often ineffective. The protection afforded by federal law is of little value and may, in fact, add to her difficulties. In this connection we might mention the requirements to contribute to Unemployment Insurance, the Canada Pension Plan and Income Tax.

Working conditions, then, are in the forefront of concerns about the foreign domestic in Canada.

A second major category of concern is the whole question of immigration status. Since 1973, a greater and greater proportion of offshore domestics is coming to Canda on employment authorizations. It is difficult for a domestic worker to achieve landed immigrant status from outside the country through the regular assessment procedure. Special "reduced requirement" programs for landing from outside the country, like the program for Jamaican women, do not exist. Securing landing from within Canada is discretionary, and groups concerned with the welfare of domestic workers complain of the difficulty, if not impossibility, of obtaining a favourable exercise of discretion.

There are two aspects to the "landing" issue. The first is this difficulty of coming to Canada, at the outset, as a landed immigrant rather than on a temporary employment authorization. The second involves the plight of the domestic who has been in the country for a long while on a succession of employment visas and has developed many ties here but must leave because she cannot obtain landing.

The issue of landing is, inevitably, connected with the conditions in the Canadian labour market relating to domestic occupations. Various studies document or refer to the chronic shortage of Canadians for these positions. In such circumstances, it may be desirable to facilitate a supply of non-Canadian workers, and thereby treat prospective employers of domestics the same way as prospective employers of other workers in short supply are treated. However, the immigration status of such workers in Canada may seriously affect the supply. At least one report has pointed to the high mobility out of domestic jobs by persons with landed status. In other words, the employment authorization device serves to maintain the supply of domestics by restricting their mobility. As presently administered, however, it also serves to inhibit the type of improvement in wages and working conditions which might ultimately attract Canadians to these jobs and reduce the need for foreign workers.

The question of landing is a complicated one. However, assuming that continued foreign supply is desirable, if landed offshore workers would stay in domestic positions for a worthwhile length of time before moving on, then one disadvantage of landing (i.e., its ultimate failure to solve the demand problem) would be alleviated. If this issue were to recede in importance, the major concern related to landing on the basis of domestic employment would be an

equitable one. Complaints might well come from those with higher qualifications and more complex skills that they were not being given sufficient priority in the assessment process. Given the predominance of employment authorizations for people from the Phillipines, the West Indies, Europe and the British Isles, it might be expected that applications for landing as domestics would show the same distribution. How this would affect the applications from other skill groups in those areas, or the total number of landings, may raise significant policy issues.

With regard to the landing of domestics with long service in the country, the "equity" concerns seem to predominate. If landing from outside were to be facilitated, then it might be appropriate to protect the position of those now in Canada through some sort of "grandfather" - or perhaps more aptly - "grandmother" mechanism. Otherwise, an inequity might be seen in allowing a new applicant to become landed without any experience of Canadian life, while forcing the return of someone with years of experience in Canada. Therefore, should a policy be adopted of allowing or facilitating landing from outside based on domestic employment, the question would have to be faced whether basic fairness requires that those now employed here be offered landing from within Canada.

Quite apart from the issue of landing, the use of temporary employment authorizations still raises equity concerns. Some arise on a sort of "estoppel" basis. Canada's actions in letting domestics stay for a long time, developing ties here and severing ties at home, may be seen by some as morally estopping us from denying landing on humanitarian grounds. Policy proposals predicated on this estoppel assumption go in opposite directions. One the one hand, we could limit the number of renewals of employment authorizations. On the other, we

could have a policy of permitting renewals and simply accept the responsibility that, in many cases, numerous renewals should produce the result of landing on humanitarian grounds.

Working conditions and the question of landing are, then, the two main issues which must be addressed in seeking to improve the situation of foreign domestics in Canada. The next four chapters contain information and observations which are relevant to these issues. Policy options are explored in Chapter Six.

CHAPTER TWO

LEGISLATION, REGULATIONS AND GUIDELINES

A. LANDING

1. Assessment Criteria

The following provisions of the Immigration Act, 1976 provide the framework for establishing criteria on which applicants will be assessed for admission into Canada as landed immigrants:

> 5(2) An immigrant shall be granted landing if he is not a member of an inadmissible class and otherwise meets the requirements of this Act and the regulations.
>
> 6(1) Subject to this Act and the regulations, any immigrant...may be granted landing if he is able to establish to the satisfaction of an immigration officer that he meets the selection standards established by the regulations for the purpose of determining whether or not an immigrant will be able to become successfully established in Canada.

Section 115(1) provides that the Governor in Council may make regulations:

> (a) providing for the establishment and application of selection standards based on such factors as family relationships, education, language, skill, occupational experience and other personal attributes and attainments, together with demographic considerations and labour market conditions in Canada, for the purpose of determining whether or not an immigrant will be able to become successfully established in Canada.

The selection criteria and requirements related to them are found in the regulations. Section 8(1)(a) of the regulations states that for the purpose of determining whether an immigrant will be able to become successfully established in Canada, a visa officer shall assess him on the basis of each of the factors listed in column I of schedule I of the regulation. Section 9(b) states that a visa may be issued if the immigrant is awarded at least 50 units of assessment.

The application of these criteria to persons seeking domestic employment can be seen by examining the relevant portions of the schedule.

SCHEDULE I

Column I Factors	Column II Criteria	Column III Maximum Units
1. Education	One unit of assessment shall be awarded for each year of primary and secondary education successfully completed.	12
2. Specific Vocational Preparation	To be measured by the amount of formal professional, vocational, apprenticeship, in-plant, or on-the-job training specified in the Canadian Classification and Dictionary of Occupations, printed under the authority of the Minister, as necessary to acquire the information, techniques and skills required for average performance in the occupation in which the applicant is assessed under item 4. Units of assessment shall be awarded as follows: (*a*) when the amount of training required is less than thirty-one days, one unit; (*b*) when the amount of training required is thirty-one days or more and less than three months, three units; (*c*) when the amount of training required is three months or more and less than six months, five units; (*d*) when the amount of training required is six months or more and less than twelve months, seven units; (*e*) when the amount of training required is twelve months or more and less than two years, nine units; (*f*) when the amount of training required is two years or more and less than four years, eleven units; (*g*) when the amount of training required is four years or more and less than ten years, thirteen units; and (*h*) when the amount of training required is ten years or more, fifteen units.	15
3. Experience	Units of assessment shall be awarded for experience in the occupation in which the applicant is assessed under item 4 or, in the case of an entrepreneur, for experience in the occupation that the entrepreneur is qualified for and is prepared to follow in Canada, as follows: (*a*) when the Specific Vocational Preparation time needed is less than three months, two units for the first year of experience; (*b*) when the Specific Vocational Preparation time needed is three months or more and less than twelve months, two units for each year of experience not exceeding two years; (*c*) when the Specific Vocational Preparation time needed is one year or more and less than four years, two units for each year of experience not exceeding three years; and (*d*) when the Specific Vocational Preparation time needed is four years or more, two units for each year of experience.	8
4. Occupational Demand	Units of assessment shall be awarded on the basis of employment opportunities available in Canada in the occupation that the applicant is qualified for and is prepared to follow in Canada, such opportunities being determined by taking into account labour market demand on both an area and national basis.	15
5. Arranged Employment or Designated Occupation	Ten units shall be awarded if, in the opinion of the visa officer, (*a*) the person has arranged employment in Canada that, based on the information provided by the National Employment Service, offers reasonable prospects of continuity and wages and working conditions sufficient to attract and retain in employment Canadian citizens or permanent residents, (*b*) based on information provided by the National Employment Service, employment of the person in Canada will not adversely affect employment opportunities for Canadian citizens or permanent residents in Canada, and (*c*) the person will likely be able to meet all federal, provincial and other applicable licensing and regulatory requirements related to the employment, or if, in the opinion of the visa officer, (*d*) the person is qualified for and is prepared to engage in employment in a designated occupation, (*e*) based on information provided by the National Employment Service, employment in the designated occupation offers reasonable prospects of continuity and wages and working conditions sufficient to attract and retain in employment Canadian citizens or permanent residents, and (*f*) the person will likely be able to meet all federal, provincial and other applicable licensing or regulatory requirements related to employment in the designated occupation.	10
6. Location	Five units of assessment shall be awarded with respect to a person who intends to proceed to an area that has been designated by the Minister in consultation with the relevant provincial authority as one that has a sustained and general need for people at various levels in the employment strata and the necessary infrastructures to accommodate population growth. No units of assessment shall be awarded with respect to a person who intends to proceed to an area that has not been so designated. Five units of assessment shall be subtracted from the total number of units of assessment awarded with respect to a person on the basis of all of the other factors listed in this Schedule where the person intends to proceed to an area that has been designated by the Minister in consultation with the relevant provincial authority as one that does not have a sustained and general need for people at various levels in the employment strata or the necessary infrastructures to accommodate population growth.	5

SCHEDULE I—Conc.

Column I Factors	Column II Criteria	Column III Maximum Units
7. Age	Ten units of assessment shall be awarded with respect to a person who is at least eighteen years of age and not more than thirty-five years of age. Where a person is more than thirty-five years of age one unit shall be subtracted from the maximum of ten units for each year by which the person exceeds thirty-five years of age.	10
8. Knowledge of English and French Languages	(*a*) Ten units of assessment shall be awarded with respect to a person who reads, writes and speaks fluently both the English and French languages. (*b*) Five units of assessment shall be awarded with respect to a person who reads, writes and speaks fluently only one of the English or French languages. (*c*) Four units of assessment shall be awarded with respect to a person for each of the English and French languages that the person speaks fluently and reads well. (*d*) Two units of assessment shall be awarded with respect to a person for each of the English and French languages that the person speaks fluently. (*e*) One unit of assessment shall be awarded with respect to a person for each of the English and French languages that the person speaks with difficulty. (*f*) Two units of assessment shall be awarded with respect to a person for each of the English and French languages that the person reads well. (*g*) One unit of assessment shall be awarded with respect to a person for each of the English and French languages that the person reads with difficulty.	10
9. Personal Suitability	Units of assessment shall be awarded on the basis of an interview with the person to reflect the personal suitability of the person and his dependants to become successfully established in Canada based on the person's adaptability, motivation, initiative, resourcefulness and other similar qualities.	10

There are a number of titles in the classification dictionary (CCDO) related to domestic work. They, and the value assigned to them in the CCDO for Specific Vocational Preparation (SVP), are set out below:

babysitter	3
personal servant	3
maid-domestic	3
butler	3
companion	3
farm housekeeper	2

Thus, even where someone seeking entry to Canada to look after children has recognized post secondary school training, he or she cannot secure more than one-fifth of the points available to a potential immigrant under this heading. The low rating for SVP also means that only a maximum of two of a possible eight points can be awarded for experience.

The arbitrarily low value set on domestics' work, particularly with children, is highly questionable. But this is not the only difficulty with the assessment scales. The brief* which this Task Force received from Intercede (International Coalition to End Domestics' Exploitation) and other groups, points out that it would appear that applicants for landing as domestics are given no points in category 4. The Task Force has confirmed that as of January 1981, a zero value is given to category 6147 for occupational demand.

* The Status of Domestic Workers on Temporary Employment Authorizations (January 1981).

Intercede argues that full points should be assessed to the domestic for occupational demand (Rec. #6) and that they should also receive an SVP rating of nine, for one to two years of training. The Immigration Lawyers' Association and the National Conference on Immigrant Women in Canada have made similar recommendations.*

Also in connection with the selection criteria, the negative implications of missing points in some of the categories should be noted. Section 11(1) states that there can be no immigrant visa under section 9 or 10 for someone who received no points for "experience" unless the immigrant has arranged employment in Canada and has a written statement verifying that the employer is prepared to employ an inexperienced person, or unless the immigrant is prepared to engage in employment in a designated occupation. Section 11(2) states that there shall be no immigration visa for someone scoring no points for occupational demand unless the immigrant has arranged employment in Canada or is prepared to engage in employment in a designated occupation.

The regular assessment procedure also contains provision for broad discretion to be exercised when applications are made outside of Canada.

---

* For texts of the recommendations, see Appendix A

Section 11(3) of the regulations provides that a visa officer may issue an immigrant visa to an immigrant who is not awarded the number of units of assessment required by section 9 or 10.

> ...if in his opinion, there are good reasons why the number of units of assessment awarded do not reflect the chances of the particular immigrant and his dependents of becoming successfully established in Canada and those reasons have been submitted in writing to, and approved by, a senior immigration officer.

The Task Force has concluded that because of the restrictions related to factors 2, 3 and 4 on the schedule, it is virtually impossible for someone to obtain landing on the basis of a plan to work as a domestic. The only way to become landed from outside Canada is to obtain a favourable exercise of discretion under section 11(3) of the regulations.

2. Discretion

This circumstance has placed a "premium", in many domestics' eyes, on trying to invoke another discretionary method of obtaining landing, which can operate within Canada, as well as from outside.

The power of the Minister and Cabinet to authorize landing is found in section 38 of the Act:

> 38(1) Notwithstanding any other provision of this Act or the regulations, the Minister may authorize the landing of any person who at the time of landing has resided continuously in Canada for at least five years under the authority of a written permit issued by the Minister under any immigration laws that were in force in Canada prior to the coming into force of this Act.

(2) Notwithstanding any other provision of this Act or the regulations, the Governor in Council may authorize the landing of any person not described in subsection (1) who at the time of landing has resided continuously in Canada for at least five years under the authority of a written permit issued by the Minister under this Act or under this Act and any immigration laws that were in force in Canada prior to the coming into force of this Act.

Attention may also be drawn to section 115(2) of the Act, which provides:

115(2) The Governor in Council may by regulation exempt any person from any regulation made under subsection (1) or otherwise facilitate the admission of any person where the Governor in Council is satisfied that the person should be exempted from such regulation or his admission should be facilitated for reasons of public policy or due to the existence of compassionate or humanitarian considerations.

The Immigration Manual sets out as IS 1.39 the factors which will have a bearing on the exercise of discretion pursuant to this section. These guidelines have been cited to us as key to the long run status of domestics now in Canada by Intercede, and by a lawyer associated with Labour Rights for Domestic Workers. The crucial factor is the Guideline, "Long Term Commitment to and de Facto Residence in Canada", and in particular item (iv) thereof, which stipulates:

iv) Examples of cases which <u>may also merit</u> a recommendation for landing in Canada are:

(A) Persons who have been in Canada a shorter time, say five years or more, who have held employment authorizations continuously for this period, who, as in 3)c)iii)A) above, have their de facto residence in Canada and who have proven to be responsible residents.

(B) Persons who may have entered illegally or who have been without status since their legal entry, who have demonstrated as a result of their successful establishment that they warrant special consideration and who have come to the Commission's attention voluntarily. An individual's length of residence in Canada might well be taken into consideration when determining whether or not to deal with such an application.

It has been alleged by Intercede that the present policy is that authorizations will not be renewed beyond a three-year period. Although in a number of instances women have been granted extensions beyond three years, there appears to be an absolute five-year maximum. The Task Force was unable to verify with the Commission whether there is a deliberate policy of restricting renewals in this fashion, although there was some concensus among the immigration lawyers on the Task Force that this may well be the case.

B. EMPLOYMENT AUTHORIZATIONS

1. Current Difficulties

The Act deals with visas in sections 9, 10 and 16, the relevant portions of which are:

9(1) Except in such cases as are prescribed, every immigrant and visitor shall make an application for and obtain a visa before he appears at a port of entry.

10 Except in such cases as are prescribed, every person who seeks entry for the purpose of...(c) engaging in employment...shall make an application to a visa officer for and obtain authorization to enter Canada for such purpose before he appears at a port of entry.

16(2) Except in such cases as are prescribed, no visitor in Canada may make an application to an immigration officer to obtain authorization...(b) to engage in employment in Canada.

The implications of these sections include one pointed out by Intercede: because a job offer is necessary to secure an employment authorization, and the application must be made from outside the country, a person seeking entry is almost forced to use the services of an employment agency in coming to Canada. Anecdotal evidence at least indicates that such agencies can be unscrupulous, requiring fees from both the prospective domestic and her prospective employer and providing little information to the domestic about working conditions.

Secondly, since the employment authorization is limited to employment with the designated employer, a person's status may change to that of visitor if she loses or gives up her job while in Canada. A visitor cannot apply for another employment permit from within Canada. This puts a high premium on clinging to one's original job, and leaves the domestic extremely vulnerable to exploitation. While the practice in some areas is to allow an unofficial "grace" period for replacement of a job, this is simply an administrative practice and not one that is in accordance with the regulations. Its availability and length are nowhere specifically set forth or guaranteed, adding to the employee's uncertain position.

Nothing in the Immigration Manual or other material made available to the domestic clears up this uncertainty. IS 6.28 provides that each household worker accepted for temporary employment in Canada should be provided with a letter when the authorization is issued, setting forth, among other things:

> (a) That the employment authorization covers employment only in the occupation shown for the employer named, and for the duration stated and that these specifications cannot be changed without obtaining a new employment authorization;

(e) that if employment is terminated by the employer or the worker quits, this must be reported to a CIC (Canada Immigration Centre);

(f) that the CIC will assist the worker in every way possible, and where the situation in (e) above is brought about by circumstances beyond the control of the worker, an application to take another job in the same occupation for the duration of the period for which entry was authorized will receive sympathetic consideration at a CIC.

The suggested sample letter in the manual states as follows:

> The employment authorization provides you with permission to work in Canada for a temporary period, but only in the occupation shown, for the employer named, and for the duration stated. You must not change any of these specifications without first applying for, and obtaining, a new employment authorization from a Canada Immigration Centre.
> ...Your employer may terminate your employment or you may resign. If either of these situations should arise, you must report immediately to a Canada Immigration Centre. If the job situation cannot be resolved, our immigration officer will consider all circumstances, advise you of the alternatives open to you, and assist in any other way possible. Where the situation has arisen due to circumstances beyond your control, he/she will extend sympathetic consideration to your application to take another job in the same occupation so that you may remain in Canada for the balance of the period for which your entry was originally authorized.

Compounding this difficuly is the fact that the services of Canada Employment Centres (CEC's) are not presently made available to unemployed domestics in Canada on employment authorizations. Having become unemployed, they are thus likely to be homeless - employment being for the most part on a live-in basis - and without an important resource in obtaining a new position.

Section 20(1) of the regulations provides that:

> An immigration officer shall not issue an employment authorization to a person if,

(a) in his opinion, employment of the person in Canada will adversely affect employment opportunities for Canadian citizens or permanent residents in Canada;

Section 20(3) provides that in order to form an opinion for the purposes of paragraph 1(a) an immigration officer shall consider:

(a) whether the prospective employer has made reasonable efforts to hire or train Canadian citizens or permanent residents for the employment with respect to which an employment authorization is sought;

(b) the qualifications of the applicant for the employment for which the employment authorization is sought; and

(c) whether the wages and working conditions offered are sufficient to attract and retain in employment Canadian citizens or permanent residents.

2. Recent Initiatives

Certain measures have by now been taken or announced to alleviate some of the difficulties pointed out above.

The first of these came in a letter to provincial Ministers of Labour in February 1980, in which the Honourable Ron Atkey, former Minister of Employment and Immigration, stated his intention to initiate in each of the Canada Employment and Immigration Commission (CEIC) regions, studies to update validation of offers of employment by determining prevailing wages and working conditions for Canadian citizens and permanent residents. The intent was that once the new data were obtained "...offers of employment to foreign temporary household workers will require a substantially higher rate in order to be validated, at least in some parts of Canada". (See Regulation 20(3)(c) quoted above.) The Task Force was provided with information showing the "validation" wages now required in the offer of employment and these are more fully discussed

below. It appears, though, as if Mr. Atkey's initiative has been implemented to a large extent. The difficulty is that only four provinces have minimum wage requirements for domestic workers and, even there, babysitters are likely to be excluded from coverage.

Consequently, the validation is most often done on the basis of the very low prevailing rate, which reflects (or perhaps fosters) the undesirability of these jobs for Canadians.

The second major initiatives in this area were taken by The Honourable Lloyd Axworthy in March 1981 in response to preliminary recommendations of this Task Force. He announced at the National Conference on Immigrant Women in Canada, held in Toronto on March 21, 1981 that he is now developing changes in the instructions issued to CIC officials concerning procedures for dealing with a domestic who has lost her employment. The Minister stated that changes were "to ensure a clear guarantee of time to find another job in cases where the original job ends because of problems with wages, working conditions or for other reasons".* He also indicated that the Canada Employment Centres would make their services available to domestics to find new employment.

The Minister also acknowledged at the Conference the difficulty caused by the point system. He remarked:

> Domestic work encompasses a wide assortment of duties with a corresponding array of skill requirements. Some domestic responsibilities such as child rearing and the management of a household require professional skills which are only now becoming recognized and respected in our society. Individuals with such skills are people who can make a positive and enduring contribution to Canada. I have therefore asked my officials to look at ways of encouraging domestic workers to come to Canada as landed immigrants rather than transient workers.

*"Notes for an Address by The Honourable Lloyd Axworthy", p. 10.

3. Offer of Employment

The propsective employer of a foreign domestic must complete and have validated a form EMP 2151, the Confirmation of Offer of Employment. The form requires specification by the employer of the job description, wages and working conditions. It has spaces for the employer's signature and a validation signature by the CEIC employment officer.

The Employment Manual provides (in EA17.33) that the employer must transmit to the prospective employee a copy of the signed offer of employment. The employee must bring the form with her to the Immigration Office in order to obtain a visa, and a copy of the signed offer is also forwarded by the CEIC to the responsible Immigration Office.

The EMP 2151 form is reproduced at the end of this chapter. As mentioned above, the CEIC now requires that the wages and working conditions specified by the employer on the EMP 2151 be those prevailing for Canadian workers in the province in question.

The issue of requiring some type of "standard form" contract between the employer and employee has often been raised by those concerned with the plight of foreign domestics. It would appear that many domestics might already have a contract, formed through the use of the EMP 2151, although this has not up to now been acknowledged. To form a contract under common law, an offer and an acceptance are required, and it has often been held that an exchange of letters can create such a contract. Formal "legal" documentation is not a prerequisite to validity.

When the employer signs and sends the form EMP 2151, with its section styled "Offer of Employment", it could well be argued that he or she was making the offer required by ordinary contract law. A written acceptance by the employee could, by the same token, be construed as the necessary acceptance. So, too, could the employee's very act of reporting to work.

There are still some real shortcomings in this approach to the contract question. Firstly, the employee may well be unaware that the documentation could be a contract which provides her with rights against her emploer. Secondly, enforcing such rights may require court action, if the employee lives in a province where labour standards officials of the provincial government do not have the authoritiy to investigate abuses of employment contracts. Thirdly, the terms and conditions of employment may still be too low, even if validated on the basis of the prevailing provincial rate.

One simple step might assist in clarifying the status of the EMP 2151 contract. By having a place on the EMP 2151 itself, or a companion form, where the employee signs to indicate her acceptance of the offer, it might be made more clear to both parties that there is a contract between them. Counselling by the CEIC officials in Canada and abroad would reinforce this. In particular, the employee should be advised that the documentation embodies a contract, violations of which should be reported to a CEIC office. If, in addition, she knows that she is able to change employers and still remain in the country, she may be more forthcoming about asserting her rights.

Even though there may not be a provincial enforcement mechanism, as in the case of labour standards, increased emphasis upon the contract might provide a greater focus for protection through moral suasion in relations between the employer and federal officials.

The issue of enforcing minimum standards on a national basis through the use of the EMP 2151 form or other "contracts" at the federal level still remains.

Where provinces have minimum wage or labour standards requirements, the federal document can at least incorporate them. Whether it should attempt to impose a minimum in provinces without such legislation is another question. If the "prevailing rate" is too low, on what basis should a higher standard be set? If it is by reference to other provincial minimums, one is faced not only with the variation in these but also with the potential criticism that a province should be able to set its own minimums, bearing in mind local conditions. Should the federal government attempt to set a national minimum higher than existing provincial legislation, and apply it in jurisdictions with their own legislation, it is likely that a constitutional challenge would arise.

Employment and Immigration Canada Emploi et Immigration Canada

C173214

CONFIRMATION OF OFFER OF EMPLOYMENT — *CONFIRMATION D'OFFRE D'EMPLOI*

N.B. THIS DOCUMENT DOES NOT AUTHORIZE THE PROSPECTIVE EMPLOYEE TO ENTER, REMAIN IN OR TAKE EMPLOYMENT IN CANADA. SUBJECT TO THE APPROVAL OF AN IMMIGRATION OFFICER AN APPROPRIATE IMMIGRATION DOCUMENT MAY BE ISSUED.

NOTA: LE PRÉSENT DOCUMENT N'AUTORISE PAS L'EMPLOYÉ ÉVENTUEL À ENTRER OU À DEMEURER AU CANADA OU À Y OCCUPER UN EMPLOI. SOUS RÉSERVE DE L'APPROBATION D'UN AGENT D'IMMIGRATION, UN DOCUMENT APPROPRIÉ RELATIF À L'IMMIGRATION PEUT ÊTRE DÉLIVRÉ.

1. IMMIGRATION DOCUMENTS TO BE PROCESSED AT: (C.I.C. OR E & I POST CONCERNED)
LES DOCUMENTS RELATIFS À L'IMMIGRATION DOIVENT ÊTRE ÉTUDIÉS AUX ENDROITS SUIVANTS: (DANS UN C.I.C. OU AU BUREAU COMPÉTENT DE E & I)

A. NAME
NOM

I EMPLOYER · *EMPLOYEUR*

A. NAME OF COMPANY OR INDIVIDUAL · *NOM DE LA SOCIÉTÉ OU DE L'INTÉRESSÉ*

B. RCT NO. · *RCI-N° DE L'EMPLOYEUR*

C. S.I.C.-*C.A.E.*

D. STREET · *RUE*

E. CITY · *VILLE*

F. PROVINCE

G. TELEPHONE · *TÉLÉPHONE* AREA-*IND. RÉG.*

H. POSTAL CODE *CODE POSTAL*

II FOREIGN WORKER · *TRAVAILLEUR ÉTRANGER*

A. COMPLETE NAME OF INDIVIDUAL OR GROUP TO WHOM EMPLOYMENT IS OFFERED
NOM DE L'INTÉRESSÉ OU DU GROUPE AUQUEL L'EMPLOI EST OFFERT

B. IF GROUP, HOW MANY?
S'IL S'AGIT D'UN GROUPE, COMBIEN Y A-T-IL DE MEMBRES?

C. STREET · *RUE*

D. CITY · *VILLE*

E. COUNTRY · *PAYS*

F. DATE OF BIRTH *DATE DE NAISSANCE* D-J M Y-A

G. SEX · *SEXE* ☐ MALE *HOMME* ☐ FEMALE *FEMME*

III OFFER OF EMPLOYMENT · *OFFRE D'EMPLOI*

A. JOB TITLE · *TITRE DE L'EMPLOI*

B. CCDO · *CCDP*

C. LOCATION OF EMPLOYMENT · *LIEU DE L'EMPLOI*

D. NAME OF CEC SERVING THIS LOCATION · *NOM DU C.E.C. DESSERVANT CETTE LOCALITÉ*

E. CEC CODE *CODE DU C.E.C.*

F. JOB DESCRIPTION · *DESCRIPTION DES FONCTIONS*

G. JOB REQUIREMENTS (EDUCATION, OFFICIAL LANGUAGE REQUIREMENTS, EXPERIENCE, LICENCES, ETC...)
EXIGENCES DE L'EMPLOI (ÉTUDE, EXIGENCES CONCERNANT LES LANGUES OFFICIELLES, EXPÉRIENCE, LICENCES, ETC...)

H. WAGES AND WORKING CONDITIONS (DETAILS) · *SALAIRE ET CONDITIONS DE TRAVAIL (PRÉCISEZ)*

I. POSITION · *EMPLOI*
☐ PERMANENT

J.
☐ TEMPORARY *TEMPORAIRE*
IF TEMPORARY: DURATION: *SI TEMPORAIRE: DURÉE:*

K. EMPLOYMENT OFFER OPEN UNTIL *OFFRE VALIDE JUSQU'AU* D-J M Y-A

L. TYPE OF FORM *GENRE DE FORMULAIRE* ☐ NEW *NOUVEAU* ☐ RENEWAL *RENOUVELLEMENT*

ORIGINAL SERIAL NO. *N° DE SÉRIE INITIAL*

M.

CERTIFICATION

I CERTIFY THAT THE ABOVE INFORMATION IS ACCURATE AND I AFFIRM THAT THE OFFER OF EMPLOYMENT DOES NOT CONFLICT WITH ANY EXISTING COLLECTIVE AGREEMENTS AND THERE IS NO LABOUR DISPUTE IN PROGRESS AT THIS TIME.

ATTESTATION

JE CERTIFIE QUE LES RENSEIGNEMENTS CI-DESSUS SONT EXACTS, QUE L'OFFRE D'EMPLOI NE VA À L'ENCONTRE D'AUCUNE CONVENTION COLLECTIVE EN VIGUEUR ET QU'IL N'Y A ACTUELLEMENT AUCUN CONFLIT DE TRAVAIL CHEZ L'EMPLOYEUR CONCERNÉ.

SIGNATURE

TITLE · *TITRE*

DATE D-J M Y-A

IV CERTIFICATION · *ATTESTATION*

A.
☐ IMMIGRANT

B.
☐ TEMPORARY WORKER *TRAVAILLEUR TEMPORAIRE*

DURATION OF AUTHORIZED EMPLOYMENT: *DURÉE DE L'EMPLOI AUTORISÉ:*

C.

I HAVE EXAMINED THIS FOREIGN WORKER REQUEST AND AM OF THE OPINION THAT THE EMPLOYMENT OF THIS FOREIGN WORKER BY THIS EMPLOYER, UNDER THE CONDITIONS STATED ABOVE, WILL NOT ADVERSELY AFFECT EMPLOYMENT OPPORTUNITIES FOR CANADIAN CITIZENS OR PERMANENT RESIDENTS IN CANADA.

J'AI EXAMINÉ CETTE DEMANDE DE TRAVAILLEUR ÉTRANGER ET JE SUIS D'AVIS QUE L'EMPLOI OFFERT PAR CET EMPLOYEUR SUIVANT LES CONDITIONS PRÉCITÉES NE NUIRA PAS À CELUI DES CITOYENS CANADIENS OU DES RÉSIDENTS PERMANENTS AU CANADA.

D. CEC NAME · *NOM DU C.E.C.*

E. CODE

F. EMPLOYMENT OFFICER'S SIGNATURE *SIGNATURE DE L'AGENT D'EMPLOI* D-J M Y-A

EMP. 2151 (2-79)

CHAPTER THREE

PROFILES AND ATTITUDES

A. Profile of Employers of Foreign Domestics

Those who now employ live-in domestics seem to be prosperous, and urban. A 1977 study, for example, found employers of those in Canada on employment authorizations to be concentrated in the Toronto, Montreal, and "other Ontario" areas. Babysitters employed on authorizations were heavily concentrated in Toronto (76%), with maids distributed more widely.*

The most up-to-date information concerning employers seems to be that in Robert Dubois' study, Profile of Employers of Domestics and Babysitters on Employment Visas.** It was based on analysis of 192 files where employment authorizations were granted, over a three-month period, from Canada Employment Centres in Laval, Lachine, Montreal West, Montreal North-West, Montreal Centre-South, Pointe-Claire and Longueuil. The files sampled represented 13% of the total annual number of applications granted in the region.***

The significant results of Dubois' survey, from the point of view of this paper, are set out in the following tables, abstracted from his report.****

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* Peggy Hewson and Sheila Mellis, Canada's Imported Domestic Service Workers: A Profile From Manpower and Immigration Files (A report prepared for Manpower Employer Services Branch by Strategic Planning and Research, Department of Manpower and Immigration, March 1977).

** Economic Services Branch, Canada Employment and Immigration Commission, Quebec Region, July 1980.

*** It was not clear whether "region" referred to the region represented by these seven CEC's or whether it was the whole Quebec Region of the CEIC. In the event that it meant the seven CEC areas only, it should be pointed out that over the years, 98% of confirmed job offers for babysitters and domestics were processed through this region (Dubois, p.3).

**** At pages 6, 8, 9, 10, 11, 12, 13 and 21 respectively.

TABLE I

DISTRIBUTION OF EMPLOYERS BY LANGUAGE SPOKEN

Unilingual Anglphones	112	58.3%
Unilingual Francophones	19	10.0%
Bilingual English-French	43	22.4%
French and another language (excluding English)	4	2.0%
Trilingual	9	4.7%
English and another language (excluding French)	5	2.6%
		100.0%

TABLE II

EMPLOYERS BY SEX AND AGE GROUP

Age	Men		Women		Total
20-25	0		12		12
26-30	2		30		32
31-35	15		58		73
36-40	13		32		45
41-45	6		5		11
46-50	3		8		11
over 50	3		5		8
	42	+	150	=	192

TABLE III

NUMBER OF HOUSEHOLDS

BY NUMBER OF CHILDREN

Number	Households	%
1	39	20.2
2	92	48.0
3	38	19.8
4	3	1.8
5	0	0.0
6	0	0.0
7	1	0.5

TABLE IV

CHILDREN BY AGE GROUP

Age	Number		%
0-5	173		49.3
6-10	124		35.4
11-15	36		10.2
16-20	12		3.4
21-25	6		1.7
TOTAL	351	=	100%

TABLE V

HOUSEHOLD SIZE

Number		%	Number		%
1.	4	2.1	6.	3	1.5
2.	19	9.9	7.	0	0.0
3.	42	21.9	8.	0	0.0
4.	85	44.3	9.	1	0.5
5.	38	19.8		192	100

TABLE VI

EMPLOYER'S INCOME

Level	Number	%
$10,000-20,000	1	0.5
20,000-30,000	16	8.3
30,000-40,000	46	24.0
40,000 +	129	67.2
	192	100

TABLE VII

INCOME LEVEL OF SINGLE-PARENT FAMILIES

	F	M
$10,000 - 20,000	1	0
20,000 - 30,000	6	0
30,000 - 40,000	1	1
40,000 +	1	2

TABLE X

REASONS FOR HIRING A DOMESTIC OR BABYSITTER

	Number	%
Single-parent family	13	6.6
Too old for housework	6	3.0
Physical handicap	12	6.0
To free both spouses for the labour market	142	71.4
Trip abroad	4	2.0
Dislike for housework	19	9.5
To always have someone home	3	1.5
	199*	100

* Seven employers gave two reasons for hiring.

Some of these tables provide insights into the possible cost of substitute child-care, were the supply of foreign domestics to be reduced. It should be borne in mind that day-care charges are levied "per child" with, in most cases, little or no reduction where more than one child per family attends. Dubois' study shows 48% of households with two children, 19.8% with three and 2.0% with four. He does not give data which would allow us to surmise which households might have a "two child" day-care bill, but he does show in Table III that 49.3% of all children in the sample households are aged 0-5 years, the prime day-care age. The second group, at 35.4% of total children, is aged 6-10 years.

Dubois points out that in the frequent case of households with two young children, sent to a day-care centre at $70 per week each, and counting transportation and evening babysitting, the cost could be $200 per week compared with the domestic's wages of $122 per week minus $30 room and board. He concludes that "...the possibility exists that employers would seem to be the greatest beneficiaries of the visa system for this class of workers." (p. 11)

Household income level for those who employ domestics on work permits is high. The study shows 67.2% of employers in the over $40,000 range and another 24% in the $30-40,000 range. There was a small group of single parents in the sample, but even here, Dubois found 66% of female heads of single parent families to be in the $20,000-30,000 range, surely much higher than the national average for female heads of single-parent families.

In Dubois' view, these income levels demonstrate that an increase in the minimum wage for domestics, mandated by Quebec's Bill 126, is unlikely to have a significant impact on demand.

In Part III of his study, Dubois considered whether the data verified his assumptions. He found that it did not support the proposition that: "The employment visa system for domestics and babysitters works largely to the advantage of heads of single-parent families." Nor did it establish the test proposition that "the employment visa system...is necessary to provide services for people unable through age or physical handicap to do housework."

It was found, rather, that the employment visa system for domestics enables both spouses to be freed for the labour market, with 71.4% of the employers saying that this was the reason for having a live-in domestic.

With regard to this point, Dubois concludes that having a live-in domestic is, while not essential, a useful and even advantageous way of freeing both spouses to enter the paid labour force. He points out both the availability of alternatives (although some, like day care, would have higher financial costs and others, like doing housework oneself and having children buy lunch at school, would be less desirable) and the fact that a large majority of employers work in professional or highly-skilled occupations and would thus be unlikely to withdraw from the labour market because no live-in help was available.

Dubois' ultimate conclusion seems to be, "...that those availing themselves of this service represent a tiny minority of the total population and the majority seem to be no worse off for not having access to the service."

(p. 24) The first part of this observation may well be true. The second, in our view, is a baseless assumption.

The Royal Commission on the Status of Women made the following comment on the day-care arrangements of many women:

> If a mother has to work due to economic necessity, she has to have day-care for her children. If day-care centres are not available, these children are entrusted to relatives or strangers, and for some the arrangements are completely inadequate and even harmful. We are told: "...in communities from coast to coast an incalculable number of mothers are leaving infants and young children in casual and often hazardous day-care arrangements in order to go to work or to return to study." The distress of the mother in having to resort to inadequate arangements leads to her unhappiness as an individual and sometimes to loss of efficiency at work.*

Furthermore, studies of working mothers and their child-care arrangements reveal a wide variety of expedients adopted by working mothers, not all of which would be satisfactory. See in particular the following:

Table 1. Percentage Distribution of Children of Working Mothers by Detailed Care arrangements, for Age Classes of the Children

Care Arrangements	All Ages	Under 3 years	3 to 5 years	6 to 13 years
	%	%	%	%
Total children: (Number in thousands)	(908)	(147)	(210)	(551)
Per cent	100	100	100	100
Cared for in own home:				
Total	64	54	57	69
By father	22	13	19	25
By other relative under 16	3	1	2	5
By other relative 16 and over	17	15	14	19
By other household member	3	2	2	3
By other non-member of household	10	15	11	8
More than one arrangement	9	8	8	9

cont.

* Royal Commission on the Status of Women, Report (Ottawa, 1970), p. 266

Cared for outside own home:				
Total	15	28	25	8
By relative	4	10	7	2
By non-relative	9	17	13	5
Day nursery or nursery school	1	1	3	-
Other arrangement	1	-	-	1
More than one arrangement	-	-	1	-
Cared for in and outside own home	6	7	11	4
Cared for by mother at work (1)	5	5	4	5
No regular arrangement	10	5	3	14

Source: Canada Department of Labour, Women's Bureau, Working Mothers, and Their Child-Care Arrangements. Ottawa, Queen's Printer, 1970, Table 23, p. 41.*

(1) At occupations other than those of boarding or lodging housekeepers, babysitters or foster mothers.

TABLE 5.2

Child-Care Arrangements for Children of Mothers Participating in the Labour Force, by School Status of Children, Canada, 1973 (thousands)

Child-Care Arrangements	Children Attending School Full-Time		Children Attending School Part-Time		Children Not Attending School	
	No.	%	No.	%	No.	%
Unpaid care, total	270	38	84	44	103	30
Persons over 15 years of age, living in home	116	16	30	16	35	10
Cared for by brother/ sister under 16 years old	41	6	18	9	-	-
Cared for by neighbour, relative, etc.	113	16	37	19	61	18
Children looking after themselves	267	37	-	-	-	-
Children have lunch at school	134	19	-	-	-	-
Children do not have lunch at school	133	19	-	-	-	-
Paid care arrangements	119	17	63	33	198	57
Paid care in mother's home	-	-	26	14	72	21
Day-care centre or nursery	-	-	-	-	24	7
Other arrangements	63	9	33	17	35**	13**
Total arrangements reported	719	100	190	100	347	100

* Table 1, Report of the Royal Commission on the Status of Women (Ottawa, 1970), p. 264.

** Includes work-oriented arrangements, including mother working only when child in school and mother takes child to work. Source: Statistics Canada, "Working Mothers and Their Child-Care Arrangements in Canada". The Labour Force, September, 1975. Table S-15 and S-16.***

*** Table 5.2, "Policies Affecting Work", in G.C.A. Cook, ed. Opportunity for Choice (Ottawa, 1976) p. 164.

The results of Dubois' study are supported by the findings of an Employer Survey done by the Toronto Central CEC in February/March, 1980. The survey included 120 employers. The average number of children per household was found to be 1.8 (no ages were given in the report). The percentage of cases where both parents worked outside the home was 62.4% while 14.1% of the employers were single parent families. Total family income from all sources was reported as follows:

Under $10,000	—
$10,000 - 15,000	.8%
$15,000 - 20,000	3.5%
$20,000 - 25,000	4.3%
$25,000 - 30,000	9.6%
$30,000 - 35,000	6.1%
$35,000 - 40,000	10.5%
$40,000 +	65.2%

The income range shown in these two surveys seems also to be borne out by the results of the Study of Domestic Workers in Ontario.* Tables 19 and 20 of that study show the following:

* Done by Boston, Gilbert, Henry Associates, for the Ontario Ministry of Labour Research Branch, November 1977.

TABLE 19

TOTAL ANNUAL HOUSEHOLD INCOME
(Percentages)

Total Annual Household Income	Chars	Maids & House-Keepers	Gardeners	Others	All Live-Ins	All Live-Outs
Under $10,000	2	4	8	-	5	2
$10,000 - 25,000	11	4	16	12	-	11
$25,000 - 30,000	12	4	-	29	5	12
$30,000 - 40,000	11	17	31	12	18	21
$40,000 and over	53	71	45	47	72	54
	100	100	100	100	100	100

TABLE 20

MAIN REASON FOR EMPLOYING DOMESTICS
(Percentages)

Main Reason Given	Chars	Maids & House-Keepers	Gardeners	Others	All Live-Ins	All Live-Outs
To help with work	78	52	85	29	50	73
Necessary as both spouses work	16	30	-	59	35	19
Necessary as single parent	-	-	-	-	-	-
Household medical problems	6	18	15	12	15	8
	100	100	100	100	100	100

(Note that "others" is the category dealing with nannies, babysitters, and mothers' helpers.)

Dr. Nancy C. Hook also developed data relating to employers of domestics in her Domestic Service Occupation Study.* She interviewed 90 employers, selected at random from: persons advertising for help in the local

* Department of Family Studies, University of Manitoba, January 1978 (Submitted to Canada Manpower and Immigration).

Winnipeg newspapers; persons registered with the Canada Manpower Centre as looking for help or employing workers on visas, persons contracted with an agency for a supply of domestic help; and persons contacted by word of mouth.

Dr. Hook concluded that: "Employers with higher incomes were employing non-Canadian workers who were, in most instances, living in the home of the employer and receiving less than the minimum wage", (p. 102). Table 3.73 of her study is reproduced here:

Table 3.73*

Relationship Between Household Income and Citizenship Status and Residency of Domestic Workers as Reported by Employers

	Citizenship Status		Residency	
	Canadians	Non-Canadians	Live-out	Live-in
Household Income				
Under $10,000	13	0	13	0
$10,000 - 19,999	13	0	13	1
$20,000 - 29,999	14	3	14	4
$30,000 - 39,999	8	7	7	9
$40,000 - 49,999	3	8	3	8
$50,000 and over	1	10	2	9
Household Income				
Under $20,000	26	0	26	1
$20,000 - 49,999	25	18	24	21
$50,000 and over	1	10	2	9

* p. 104

The foregoing profiles raise a number of suggestions. For the prosperous employers of foreign domestics, child care seems to be a significant reason for seeking live-in help. The cost of a live-in domestic is probably lower than that of comparable substitute services (day care, babysitting, housekeeping), when such services are available. This cost factor is probably one of the main inducements for employing a live-in domestic. Nonetheless, it does seem as if there is "room" to require improving wages and working conditions before the cost of a live-in domestic reaches the cost of substitute services. Dubois' study certainly suggests support for the view that someone who now employs a live-in would raise wages rather than leave the labour force.

With regard to substitute services, however, some conceptual problems arise. For example, it is likely that some persons employ live-in help because of the flexibility thereby provided. A professional person with unpredictable working hours would find it awkward to use a day-care centre with rigid hours. Sometimes, indeed, the requirement for a parent to work late comes up too suddenly to arrange for a babysitter after the day-care centre closes. Undeniably, the private arrangements of the live-in must be respected, as must the need for fair remuneration for overtime. However, even taking these into account, a live-in domestic who does not have transportation arrangements or regular family commitments in her own household to take into account can, for appropriate pay, more often arrange to accomodate her employer.

Secondly, a parent may prefer to have a live-in babysitter rather than use day-care because of the more personalized care possible. Usually, there can be more parental "input" into the child's routine, and attitudes toward the

child, when he or she is cared for at home than when the child is in a day care centre. Moreover, the employer can choose the individual who will be caring for his or her children, and has more chance for exchange of points of view about the child's development than may be the case with a centre or even a neighbour who cares for many children at one time. Obviously, these desirable features are not limited to the live-in situation and may not, in some cases, be available there. However, they may well motivate many people to seek live-in help.

A third consideration is that satisfactory alternative services may be, in theory, within the financial reach of the employer but not in practice available. Toronto, a focus for employment of live-in domestics, has a well-publicized shortage of day-care places, subsidized and unsubsidized. Even if a family who preferred a live-in and could not obtain one were to succeed in obtaining day care, it might well be that this success would deny the place to another family. The supply of day-care places may not be sufficiently elastic to accommodate a large influx of families into the market, and this supply problem must be sensitively handled. An expansion in the number of places available in inferior day-care centres is no answer to the problem.

Accordingly, although we can suggest that employers of live-in domestics can "look after themselves" if higher wages are required or policy changes bring a reduction in the supply of offshore workers, we must also be careful that the repercussions of such changes would not create serious hardships for others.

B. Profile of Foreign Domestic Employees

Information obtained from the Commission in March 1981 shows that a total of 11,555 employment authorizations were issued in 1980 to persons who could be regarded as "domestics". Of these, the number issued to those admitted to perform what were called "domestic occupations" was 6,160. This group includes the jobs of housekeeper, butler, personal servant, domestic couple, companion, maid-domestic, and farm housekeeper. There were 5,395 employment authorizations issued to those classified in the child-care occupations: babysitter, child nurse, child-care attendant, day-care worker, foster parent, and parent helper.

It is not an easy matter to develop a profile of the foreign domestic work force. The brief from Intercede, referred to in the previous chapter, states that for the majority of domestics coming to Canada on employment authorizations "...it is the chance to escape the poverty of home in the Third World and to earn a regular wage that is essential for their family's survival". (p.2)

Historical data are found in Table 5 of Sheila McLeod Arnopoulos' study entitled Problems of Immigrant Women in the Canadian Labour Force.* It shows that from July 1973 to June 1976, the largest contributors of workers on employment visas (by citizenship) have been the West Indies, the United Kingdom and Western Europe.

* Prepared for Canadian Advisory Council on the Status of Women, (January 1979).

A summary of Table 5 shows the following:

TIME	TOTAL	WEST INDIES	UNITED KINGDOM	WESTERN EUROPE
July 1973-June 1974	1,722	598	467	317
July 1974-June 1975	3,103	1,140	860	578
July 1975-June 1976	5,657	2,531	1,404	794

TABLE 5

Non-immigrant Employment Visas
In-Home Domestic Service Occupations
By Worker's Citizenship

Country of Citizenship	United Kingdom	Scandinavia	Western Europe	Eastern Europe	Africa	Asia	Australia	U.S.A.	Mexico Central Amer.	West Indies	South America	Other	TOTAL	
	%	%	%	%	%	%	%	%	%	%	%	%	%	%
July 1973 - June 1974														
Babysitters	27.6	7.1	19.9	.6	.6	3.7	.6	3.1	.9	31.6	3.7	.6	100.0	(326)
Maids-Domestic	27.6	3.8	18.2	.9	.9	1.9	.7	4.1	2.1	36.0	3.9	.2	100.0	(1,299)
Other**	19.6	1.0	15.5	1.0	-	6.2	1.0	21.7	3.1	28.9	2.1	-	100.0	(97)
Total	(467)	(73)	(317)	(14)	(13)	(43)	(12)	(84)	(33)	(598)	(64)	(4)	100.0	(1,722)
July 1974 - June 1975														
Babysitters	36.5	3.0	19.5	.4	.3	1.1	.5	1.8	1.5	30.8	4.7	-	100.0	(738)
Maids-Domestic	24.9	1.4	18.3	1.1	.9	3.6	1.8	2.7	1.6	39.0	4.6	.3	100.0	(2,225)
Other**	25.7	2.1	20.0	2.1	1.4	2.1	2.1	5.0	1.4	32.9	4.3	.7	100.0	(140)
Total	(860)	(56)	(578)	(30)	(24)	(90)	(46)	(79)	(49)	(1140)	(144)	(7)	100.0	(3,103)
July 1975 - June 1976														
Babysitters	32.7	2.5	19.3	.5	.5	1.8	.5	.3	.8	36.4	4.3	.4	100.0	(1,921)
Maids-Domestic	20.8	2.1	11.1	.4	1.0	3.7	1.1	1.6	2.6	49.7	5.5	.5	100.0	(3,556)
Other**	19.4	3.9	16.1	.6	1.7	5.0	3.3	7.2	1.7	35.0	5.6	.6	100.0	(180)
Total	(1404)	(127)	(794)	(25)	(46)	(177)	(55)	(74)	(110)	(2531)	(289)	(25)	100.0	(5,657)

*Totals may not sum to 100.0% due to rounding
**'Other' includes cook, servant, foster-mother, butler, companion, farm housekeeper, handyman, and domestic couple.

Source: Canada Manpower and Immigration, unpublished data.

An analysis of the 1980 information supplied by the Department for this report shows a substantial increase of persons from the Philippines engaged in domestic occupations. The West Indies (called Caribbean Group in this report), United Kingdom and Western Europe continue to be major contributors of visa workers.

All countries contributing more than 200 visa workers in the major domestic and child-care occupations (by country of last permanent residence) are shown in TABLE A.

TABLE A

EMPLOYMENT AUTHORIZATIONS ISSUED BY COUNTRY OF LAST PERMANENT RESIDENCE, 1980

(PRELIMINARY FIGURES)

Country	No. of Authorizations (For Housekeeper, Maid/ Domestic/Babysitter/ Parent Helper)	% of Total Authorizations in These Categories (i.e. 10,882)
England	2,401	22.06
Jamaica	1,308	12.02
Philippines	1,299	11.94
Scotland	630	5.79
Switzerland	546	5.02
France	445	4.09
Trinidad & Tobago	311	2.86
Finland	295	2.71
Barbados	259	2.38
Guyana	257	2.36
Spain	210	1.93

Table B shows the origins of those employed on visas in the occupations of housekeeper, maid domestic, babysitter and parent helper.

TABLE B

EMPLOYMENT AUTHORIZATIONS ISSUED
BY COUNTRY OF LAST PERMANENT RESIDENCE
(Preliminary 1980 figures)

SELECTED COUNTRIES AND OCCUPATIONS
(Based on unpublished data from CEIC)

	Housekeeper	Maid Domestic	Babysitter	Parent Helper	Total
England	352	802	956	291	2,401
Northern Ireland	14	27	55	13	109
Scotland	58	229	259	84	630
Wales	22	46	66	21	155
Channel Islands	1	1	3	3	8
Austria	9	20	39	9	77
Czechoslovakia	5	26	15	7	53
Denmark	8	13	17	5	43
Finland	40	90	125	40	295
France	58	81	249	57	445
Germany	7	9	8	1	25
Ireland	30	23	95	23	171
Netherlands	8	13	23	9	53
Poland	12	24	39	51	126
Portugal	23	74	40	6	143
Spain	75	51	65	19	210
Sweden	49	22	89	29	189
Switzerland	88	152	237	69	546
Hong Kong	12	28	23	8	71
India	6	14	13	0	33
Philippines	343	421	402	133	1,299
Austria	2	16	10	8	36
New Zealand	25	60	11	24	120
USA	29	52	21	5	107
Mexico	6	30	10	5	51
El Salvador	12	28	8	1	49
Jamaica	276	570	394	68	1,308
Trinidad/Tobago	60	120	108	23	311
Barbados	34	126	83	16	259
Antigua	7	21	10	3	41
Bahamas Is.	5	2	-	-	7
Dominica	6	27	32	4	69
Grenada	32	55	43	9	139
Montserrat	1	13	9	-	23
St. Kitts	2	8	12	2	24
St. Lucia	7	66	32	5	110
St. Vincent	22	55	73	15	165
Dominican Rep.	2	6	-	1	9
Haiti	17	199	64	3	283

	Housekeeper	Maid Domestic	Babysitter	Parent Helper	Total
Guyana	32	109	104	12	257
Chile	15	39	11	1	66
Columbia	6	16	14	1	37
Peru	2	30	5	3	40
TOTAL - ALL COUNTRIES	1,881	3,989	4,006	1,066	

Table C shows the "top contributors" by country of last permanent residence, for each of the four occupations isolated for study.

TABLE C

Category	Greatest No. of Authorizations	2nd Greatest	3rd Greatest
Housekeeper	England (352)	Philippines (343)	Jamaica (276)
Maid Domestic	England (802)	Jamaica (570)	Philippines (421)
Babysitter	England (956)	Philippines (402)	Jamaica (394)
Parent Helper	England (291)	Philippines (133)	Jamaica (68)

Hewson and Mellis found that virtually all (96%) of the foreign domestics in their study were destined for jobs requiring them to live in with their employer.

Dr. Hook interviewed 114 domestic workers as part of her study in Winnipeg, drawn at random from those who had advertised in local papers as available for employment; who were recorded by Canada Manpower as working in a domestic occupation or granted a visa for domestic employment; who were registered at an agency for domestic work; or who were contacted by word of mouth.

She found that:

> According to the domestic workers,...the Canadians were generally receiving a higher wage per hour, they had money from other sources as well, and if they were working overtime, they received overtime pay. Usually, the non-Canadian workers were living in the homes of their employer, viewed their visa as a contract, worked more days per week, worked more overtime without pay and received a smaller hourly wage than Canadian workers. However, those non-Canadian workers on employment visas reported a higher educational level than Canadian workers.*

It is not known the extent to which this discrepancy between working conditions and education of Canadian and off-shore workers may have been affected by the requirement of higher "validation" wages referred to above.

C. Attitudes of Canadian Workers to Domestic Service Occupations

The unwillingness of Canadian workers and landed immigrants to take and keep jobs as live-in domestics has been referred to on a number of occasions.

Helen Buckley and Soren T. Nielsen in Immigration and the Canadian Labour Market** report that a departmental survey covering the years 1968-73 showed only three low-pay jobs "that could be categorized as in chronic shortage: domestic servants, waiter/waitress, and sewing-machine operators."

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* pp. 107-108

** Research Projects Group, Strategic Planning and Research, Manpower and Immigration, 1976

They say: "The first (domestic) is obviously a special case involving low status, social isolation and possibly other disadvantages." It is also observed that "this country has relied heavily on foreign workers for two decades or more and the shortages seem as bad as ever." (p. 67)

Sheila Arnopoulos wrote in 1979, in her report Problems of Immigrant Women in the Canadian Labour Force:

> Senior immigration officials say privately that this policy of employment authorizations was introduced because women will work as live-in domestics only if they have no choice. They point out that Canadian women tend to go on unemployment insurance or even welfare before they will take domestic jobs. They add that allowing domestics to enter Canada as landed immigrants with all the rights of permanent residents does not help either. On arrival, the women soon discover that factory work pays better. (p. 25)

This passage was in turn cited on p. 14 of the brief from Intercede as a reason why protecting domestic work jobs for Canadian residents is a questionable rationale for restricting foreign domestics to work permits.

Departmental experience in this area over the past few years has indicated that the shortage of "live-in" household domestics is due in large measure to low wages and unsatisfactory working conditions. It further seems that these are the reasons that Canadian workers regard these jobs as being of inferior status, and reject employment in this sector regardless of labour market conditions. For example, during the period of high employment from 1976-78, foreign domestics came to Canada in increasing numbers:

	1976	1977	1978
Landed Immigrant	2,200	1,399	1,040
Employment Authorizations	5,657	10,556	9,455
Total	7,857	11,955	10,495

However, the Commission has found that landed immigrants may also react negatively to poor wages and working conditions. Its experience has demonstrated that most immigrants admitted for employment in household service occupations do not form any permanent attachment to the occupation and invariably abandon these jobs soon after their arrival in Canada.

One of the assumptions tested in Robert Dubois' Profile of Employers of Domestics and Babysitters on Employment Visas was that: "A temporary authorization is granted to the employer so that he may take the necessary action to recruit or train a Canadian and thereby decrease his dependence on foreign labour." (p. 26)

Dubois found that 66.2% of the employers in his sample were not making their first offer of employment. They had had a domestic on a work visa before. He stated that the assumption does not apply to domestics because "...it is generally acknowledged that the recruitment problem is above all linked to the live-in feature and the low wages..." and "...it is unrealistic to believe in the present circumstances that the lack of a Canadian supply is attributable to lack of training of workers...." (p. 27)

Nor did Dubois find support for his fifth assumption: "That the employment visa system for domestics and babysitters enables a foreign worker to hold a position which otherwise would not be filled."

There is frequent and general reaction that an improvement in wages and working conditions would result in more Canadians being attracted to these positions. A competitive wage rate would in itself eliminate much of the problem: the generally higher cost of a live-in domestic would considerably reduce the number of family units interested in obtaining such services. At the same time the higher wages, particularly if accompanied with the development of training and other measures designed to enhance the professionalism and status of the occupation, could have a tendency gradually to increase the number of Canadians interested in pursuing such a career.

Dubois' recommendation is that improvement in wage conditions still appears to be the best step towards solving the problem. Earlier, he had stated "...a wage increase for these workers seems to be the main factor in creating a supply of Canadian workers, which would thereby render recourse to the visa system obsolete." (p. 14)

Yet, Dubois qualifies his recommendation for higher wages with the caveat that he made it assuming "...that the employer's requirement for a live-in employee remains a legitimate feature of the job." (p. 28) Some officials in the Department see the live-in requirement, and related problems, as significant. It has been pointed out that Canadians, especially young people who have recently left home, are not eager to relinquish their privacy by living in their employer's home. Even a substantial increase in wages would be

unlikely to overcome this disincentive. Furthermore, in Canadian society there is a stigma attached to being a live-in household worker which is not prevalent in many other societies and it is doubtful whether even a substantial increase in wages would result in significantly more Canadians being attracted to these occupations.

Dr. Hook's study seems also to verify that the live-in feature of the job may be a drawback to Canadian recruitment. Only 10 of the 64 "live-out" domestics she interviewed would take a job as a "live-in", whereas 16 of the 37 "live-in" domestics would take a job as a "live-out" if given a choice.

These issues recall to mind the historical perspective evoked by Susan Ballantyne in Domestic Workers: Proposals for Change.* She states:

> In the late nineteenth and early twentieth centuries, before unionization became widespread in the service industries, domestic wages were comparable to those received by other service workers. Even then, there was a social stigma attached to the job, and women would reject it in favour of any other kind of work. Part of this was due to the unattractive working conditions. The hours were longer than 'outside' work, there was little privacy, little time off, and even less chance for companionship. The most objectionable features of the work, though, were the requirements of humility, obedience and invisibility. (p. 2, footnotes omitted)

If one looks into the question a little more deeply, it also appears as if a problem in recruiting Canadian workers is that domestic work is not highly valued in our society. Even when such work is done by the traditional wife and mother, it has not been accorded much economic recognition, for example, when the marriage dissolves. It is not surprising that someone who substitutes for the undervalued housewife is herself undervalued in economic terms.

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* University of Toronto, Faculty of Law, March 1980.

Dr. Hook recommends that to encourage Canadian workers to fill positions as domestic workers, "household employment must be recognized as a worthy occupation by society." (p. 118) She reports that her findings reinforced the two previously cited factors possibly contributing to the undesirability of household employment. In her words: "Both the working conditions of domestic employees and the public attitudes toward the domestic service occupation differ from that of other occupations in society." (p. 120)

While it may be possible to attract more Canadians and landed immigrants to domestic work by raising wages and improving working conditions, the difficult problems of the live-in factor and the low regard for working at home remain. It may well be that recently arrived landed immigrants will have less resistance to live-in work, because of different cultural backgrounds or the initial absence of many connections in Canada. However, it is too much to ask that we rely on newcomers' cultural differences from ourselves to compensate for our own ambiguous attitude toward domestic labour. Ironically, only when we value the job when it is done by wives and mothers in their own homes will we value it enough to attract substitutes to it when these wives and mothers enter the labour market.

CHAPTER FOUR

WAGES AND WORKING CONDITIONS

Table I shows the average weekly prevailing wage rates excluding value of room and board (which is, however, noted separately in the table). These results were provided by the Commission based on a survey undertaken last spring.

Table II shows minimum weekly wage and working conditions (excluding value of room and board) required for validation of job offers to foreign workers by region, revised as of February 1981.

A comparison based on weekly wage rates alone can be seen in Table III.

The policy of trying to use validation of offers to bring foreign workers' wages up to those prevailing is reflected in the comparison, in most cases. The overall impression, however, particularly when hours worked are taken into account, is that the wages of domestics generally are still very low.

A further aspect of the wages situation should also be noted. The value of room and board is added into the basic wage by Revenue Canada in order to calculate the amount which must be deducted from the employee for Unemployment Insurance, Canada Pension Plan and Income Tax. In some cases, the amount of room and board "added in" is discretionary, either with the employer or the tax authorities. In other places, provincial regulations specify what must be (or can be) added in.

LIVE-IN HOUSEHOLD WORKERS

AVERAGE WEEKLY PREVAILING WAGE RATES
EXCLUDING VALUE OF ROOM & BOARD
(as reported by Regions)

TABLE 1

Revised
September
1980

	-A- Maid, Domestic	-B- Babysitter	-C- Nanny	-D- Housekeeper	-E- Other	Weekly Value of Room & Board	Over-time	Provincial Minimum Wage-Hourly	Notable (customary) Fringe Benefits
NEWFOUNDLAND	* $63.20 min. (40 hrs/wk.)	* $63.20min. (40 hrs/wk.)	-	-	-	$30-$85 $40 allowed by Revenue Cda.	Straight time	$3.15 age 16 +	CPP deductions UI deductions (Paid mainly by employer)
PRINCE EDWARD ISLAND	** $119 min. (48 hrs)	$40-$50 (not available)	-	$95-$110 (not avail.)	$70-$80 (not avail.)	$25 Prov'l Labor Stds. Legislation	1½ times	$3.00 age 18 + $2.50 age 18 -	None reported
NEW BRUNSWICK	$40-$80 negotiable	$35-$55 negotiable	-	$50-$100 negotiable	-	$40-$50	A-D-None U-$1.00 to $1.25 hr.	$3.05	None reported
NOVA SCOTIA	$65-$100 (40-48 hrs)	$60-$125 (40-48 hrs)	$60-$125 (40-48 hrs)	$60-$100 (40-48 hrs)	$70-$150 (40-48 hrs)	$35-$40	Not customary	$3.05 (Oct 1/80)	None reported
QUEBEC	*** $122 min. (53 hrs/wk.)	$70-$100 wk. (not available)	-	*** $122 min. (53 hrs./wk.)	-	$30	A-1½ hr. B-not determined	$3.65 (44 hrs/wk.)	RAMQ (medicare) 2 wks annual vacation 1-2 days off/wk
ONTARIO	$75 (48 hrs.)	$68 (48 hrs.)	$92 + (48 hrs)	-	$55-$81 (48 hrs)	$45	N/A	$3.00	Employers pay partial or total costs of U.I. CPP, OHIP deductions

	- A - Maid, Domestic	- B - Babysitter	-C- Nanny	- D - Housekeeper	-E- Other	Weekly Value of Room & Board	Over-time	Provincial Minimum Wage-Hourly	Notable (customary) Fringe Benefits
MANITOBA	$96 (40 hrs)	-	-	-	-	$29	Seldom	$3.15	TV in private room private bath or shower, may include holidays abroad with family + use of car.
SASKATCHEWAN	$122 (45 hrs)	$65 (45 hrs) Student summer-1980)	-	$122 (45 hrs.)	-	$34.62	N/A	$3.65	3 weeks paid annual vacation-free Saskatchewan medical coverage.
ALBERTA/NWT	$99.69 (40 hrs) $114.92 (44 hrs) $129.92 (48 hrs).	$99.69 (40 hrs) $114.92 (44 hrs) $129.92 (48 hrs.)	-	-	-	$51.92	N/A	$3.50	½ Premiums paid by employer for Health Insce. Employer reimburse return portion of tption costs.
B.C./Y.T.	$81.00 (40-50 hrs)	$81.00 (40-50 hrs)	-	$81.00 (40-50 hrs.)	-	$46-$52	N/A	$3.40 $2.65 (under 18 yrs of age)	None reported.

N/A - Not Applicable

* Rate established under Provincial Minimum Wage Act July 1, 1980, for both live-in and live-out workers, 16 years of age and over, with live-ins to receive free room and board.

** Rate set under Provincial Minimum Wage Act for all Domestics except Babysitters, but Region advises that actual rate is generally lower; also employer may deduct up to $25.00 p.w. for room and board.

*** Rate set under Provincial Minimum Wage Act for Domestics only (CCDO 6142-110 and 6142-130), see Column A; employer may deduct up to $30.00 p.w. for room and board.

LIVE-IN HOUSEHOLD WORKERS

MINIMUM WEEKLY WAGE & WORKING CONDITIONS (EXCLUDING VALUE OF ROOM & BOARD) REQUIRED FOR VALIDATION OF JOB OFFERS TO FOREIGN WORKERS (as reported by Regions)

TABLE II

Revised February 1981

	-A- Maid, Domestic	-B- Babysitter	-C- Nanny	-D- Housekeeper	-E- Other	Weekly Value of Room & Board	Overtime	Notable fringe benefits
NEWFOUNDLAND	* $63.20 @ least (40 hrs)	$63.20 @ least (40 hrs)	N/A	N/A	N/A	$30-$85 $40 Revenue Cda allows	If applicable at straight time	CPP deductions (Paid mainly UI deductions by employer)
PRINCE EDWARD ISLAND	** $119 (48 hrs)	N/V	N/V	N/V	N/V	N/V	1½ hr after 48 hrs	None reported
NEW BRUNSWICK	$69 (40-44 hrs)	$69 negotiable	N/A	$69 negotiable	N/A	$40-$50	N/A	None reported
NOVA SCOTIA	$70	$70	$70	$70	$70	$35-$45	N/A	None reported
QUEBEC	*** $122 (53 hrs)	$122 (53 hrs)	N/V	$122 (53 hrs)	$122 (53 hrs)	$30	A - 1½	2 wks. annual vacation 6 paid legal holidays/year medicare (RAMQ)
ONTARIO	**** $82	N/V	$82	$82	N/V	$50 maximum	If applicable at $3.00 an hr.	Employer pays partial or total costs of UI, CPP, OHIP deductions. Minimum of two weeks annual vacation with 4% vacation pay. Seven paid statutory holidays per year.

	-A- Maid, Domestic	-B- Babysitter	-C- Nanny	-D- Housekeeper	-E- Other	Weekly Value of Room & Board	Overtime	Notable fringe benefits
MANITOBA	$97 (40 hrs) $109.75 (44 hrs) $122:35 (48 hrs)	N/V	N/V	N/V	N/V	$29	1½ hr	Employer provides cost of return tption of FW who will repay at the rate of 1/12 per mo. Medicare payments partially or totally paid by employer. 2 wks pd. vacation/yr or 4% - minimum of 7 paid legal holidays per year.
SASKATCHEWAN	$125.30 (45 hrs)	N/V	N/V	N/V	N/V	$34.62	If consistent practice, then $3.85 per add'l hr (min. wage rate)	3 wks. paid annual vacation, free Sask. medical coverage.
ALBERTA/NWT	$99.69 (40 hrs) $114.92 (44 hrs) $129.92 (48 hrs)	$99.69 (40 hrs) $114.92 (44 hrs) $129.92 (48 hrs)	N/V	N/V	N/V	$51.92	N/A	Health Insce. Premiums 50% paid by employer - Holiday benefits negotiable. Return portion of tption.costs (if incurred by FW) reimbursed by employer during 1st yr.
B.C./Y.T.	$81 (40-50 hrs)	N/V	$81 (40-50 hrs)	$81 (40-50 hrs)	$81 (40-50 hrs)	$46-$52	N/A	None reported

N/A - Not Applicable
N/V - Not Validated

* Rate established under Provincial Minimum Wage Act July 1, 1980, for both live-in and live-out workers, 16 years of age and over, with live-ins to receive free room and board.

** Rate set under Provincial Minimum Wage Act for all Domestics except Babysitters;
Employer may deduct up to $25.00 p.w. for room and board.

*** Rate set under Provincial Minimum Wage Act for Domestics only (CCDO 6142-110 and 6142-130), see Column A; employer may deduct up to $30.00 p.w. for room and board.

**** Under O. Regulation 1013/80 to the Employment Standards Act, 1974- Effective January 1, 1981, the domestic worker can contract or arrange to be paid a minimum of $24.00 a day, or $132 a week, or $568 a month.

In the absence of such arrangments, the householder shall pay a domestic or nanny not less than $3.00 an hour. Employer may deduct up to a maximum of $50.00 p.w. for room and board. While the provincial regulation does not specify a maximum number of hours per week, the Region usually stipulates a max. of 48 hrs p.w. for validation purposes.

TABLE III

	MAID Prevailing/Validation		BABYSITTER Prevailing/Validation		NANNY Prevailing/Validation		HOUSEKEEPER Prevailing/Validation		VALIDATION Higher, Same, Lower
Nfld.*	$ 63.20	$ 63.20	$63.20	$ 63.20	-	N/A	-	-	same
P.E.I.*	$119 min.	$119	$40-50	N/V	-	N/V	$ 95-110	N/V	same
N.B.	$ 40-80	$ 69	$35-55	$ 69	-	N/A	$ 50-100	$ 69	lower/higher
N.S.	$ 65-100	$ 70	$60-125	$ 70	$60-125	$70	$ 60-100	$ 70	?
Quebec*	$122 min.	$122	$70-100	$122	-	N/V	$122 min.	$122	higher or same
Ontario*	$ 75	$ 82	$68	N/V	$92+	$82	-	$ 82	higher/lower
Manitoba	$ 96	$ 97-122	-	N/V	-	N/V	-	N/V	higher
Sask.	$122	$125.30	$65	N/V	-	N/V	$122	N/V	higher
Alta./NWT	$ 99-130	$ 99-130	$99-130	$ 99-130	-	N/V	-	N/V	same
BC/Y.T.	$ 81	$ 81	$81	N/V	-	$81	$ 81	$ 81	same

*Provincial minimum wage law applicable

N/A Not Applicable

N/V Not Validated

The employer is now required to have an employer number issued by Revenue Canada in order to have a form EMP. 2151 validated. Once the number is obtained, the automatic extraction machinery of Revenue Canada ensures that deductions are made and remitted, on pain of penalty. In most cases, the employee part of the deduction will be taken from the real cash income, but will be higher than it would be if only real cash income were issued to compute the levy, because of the notional "add-on" of room and board. Officials in Ontario advised the Task Force that one of the complaints they received frequently after introduction of a provincial minimum wage was that domestics' actual take-home cash pay was less, because of the required deductions. The minimum wage of $568 per month, including room and board, was introduced in January 1981.

Ironically, domestic workers have a very difficult time securing any benefits for the money they and their employers pay into Unemployment Insurance and the Canada Pension Plan.

Although domestic workers are, in theory at least, eligible for UI benefits, practically speaking they will either have found new employment or have been required to leave the country before the expiry of a qualifying period for regular benefits. Payments to the Canada Pension Plan will not ordinarily produce a pension if the worker has retired in her country of origin, depending on whether a Tax Convention between Canada and the country of origin exists to cover the point. CPP contributions made in Canada by a person on an employment authorization can be recovered. It appears, however, as if few persons make such claims.

The practical implications of the "room and board" add-on are shown on Table IV, which is based on the February 1981 validation figures.

The yearly windfall to the Canadian Consolidated Revenue Fund from the employment of foreign domestics has been estimated at almost $2 million. A chart from the Intercede brief setting out the figures upon which this estimate is based is reproduced on the next page. Time has not permitted verification of its accuracy but it is presented for its interest value nonetheless.

Lastly, it may be remembered that the employer is paying this wage bill out of after-tax dollars, with only the relief of the $1,000 child care-deduction permitted by the Income Tax Act. Other kinds of employers will pay their wage bills in pre-tax dollars. The difference is a substantial one; since the marginal tax rate of the majority of those employing live-in domestics on employment authorizations will likely be from 33 to 50%. Employers of Canadian live-in help and other full-time live-out employees may not be much differently situated, if the results of the 1977 study of the Ontario Department of Labour are at all accurate.

The Task Force is of the view that there is a serious need for a thorough review of the revenue implications of domestic employment, with a view to leaving more real assets in the hands of the domestic and her employer and less in the hands of the state, which provides the domestic with so few services.

TABLE IV

	Validation Wage/Week (domestic)	Room & Board/ Week	Weekly Total	UI/CPP Deduction (Board incl.)	Weekly Take Home	Employers UI/CPP Deduction	Total "Wage Bill" For Employer (Cash)	UI/CPP of Employee/er For Year	UI/CPP Deduction No Board	Weekly Take Home
Nfld.	$ 63.20 (260.76)	$40.00	$103.20	$1.65/1.41	$ 60.14	$2.31/1.41	$ 66.92	$353.06	$1.01/.69	$ 61.50
P.E.I.	$119.00 (511.70)	-	-	$1.90/1.69	$115.41	$2.66/1.69	$123.35	$412.85	$1.90/1.69	$116.41
N.B.	$ 69.00 (296.70)	$40-50	$109-119	$1.74/1.51	$ 65.75	$2.44/1.51	$ 72.95	$374.40	$1.10/.79	$ 67.11
N.S.	$ 70.00 (301.00)	$34-45	$105-115	$1.68/1.44	$ 66.88	$2.35/1.44	$ 73.79	$359.32	$1.12/.81	$ 69.07
Quebec	$122.00 (324.60)	$30.00	$152.00	$2.44/2.29	$117.24	$3.42/2.29	$127.71	$542.88	$1.96/1.75	$118.29
Ontario	$ 82.00 (352.60)	$50.00	$132.00	$2.12/1.93	$ 77.95	$2.97/1.93	$ 86.90	$465.40	$1.34/1.03	$ 79.65
Man.	$ 97.00 (417.10)	$29.00	$126.00	$2.02/1.82	$ 93.16	$2.82/1.82	$101.64	$388.96	$1.56/1.30	$ 94.14
Sask.	$125.30 (538.79)	$34.02	$159.92	$2.56/2.43	$120.31	$3.58/2.43	$131.31	$572.00	$1.60/1.35	$ 97.05
Alta./N.W.T.	$100.00 (430.00)	$51.92	$151.92	$2.43/2.28	$ 95.23	$3.40/2.28	$105.68	$540.28	$2.01/1.81	$ 96.18
B.C./Y.T.	$ 81.00 (348.30)	$46-52	$127-133	$2.04/1.84	$ 77.12	$2.86/1.84	$ 85.70	$446.16	$1.30/1.01	$ 78.69

APPENDIX II

REVENUES FROM CPP AND UIC PREMIUMS PAID BY DOMESTICS ON TEMPORARY EMPLOYMENT AUTHORIZATIONS AND THEIR EMPLOYERS 1973-1979

Year	Wage/ Mo.*	CPP Employee	UIC Employer	CPP/ Mo.	CPP/ Yr.	UIC Employee	UIC Employer	UIC/ Mo.	UIC/ Yr.	CPP & UIC/ Yr.	No. of T.E.A	Total Revenue
1973	$250	3.60	3.60	7.20	86.40	2.50	3.50	6.00	72.00	158.40	3,330	$ 527,472
1974	$250	3.45	3.45	6.90	82.80	3.50	4.90	8.40	100.80	183.60	5,716	$ 1,049,458
1975	$250	3.45	3.45	6.90	82.80	3.50	4.90	8.40	100.80	183.60	8,959	$ 1,644,872
1976	$275	3.75	3.75	7.50	90.00	4.54	6.36	10.90	130.80	220.80	9,057	$ 1,999,786
1977	$275	3.60	3.60	7.20	86.40	4.13	5.78	9.91	118.92	205.32	10,519	$ 2,159,761
1978	$275	3.45	3.45	7.20	82.80	4.12	5.77	9.89	118.68	201.48	9,482	$ 1,910,433
1979	$300	3.75	3.75	7.50	90.00	4.05	5.67	9.72	116.64	206.64	9,664	$ 1,996,969
TOTAL											56,727	$11,288,751

*Estimated average

Sources: Deductions - Revenue Canada
No. of T.E.A. - Immigration Commission, unpublished data

N.B. These figures represent only the premiums deducted for the number of new Temporary Employment Authorizations issued for each year. It does not include the number of annual renewals of Employment Authorizations, and thus can be interpreted as conservative estimates.

Such a review would have two aspects. Firstly, if the use of employment authorizations continues on any widespread basis, we will continue to have a population of visiting workers who pay, or who have paid on their behalf, about one month's salary per year to the state for services which they will never receive. This, in effect, taxes a very poor and weak segment of society for dubious ends. It is not entirely reassuring that some of this money might be recovered by applications for CPP refunds. Realistically, it seems fair to tax these employees by UI and CPP levies only if they are landed or have a real prospect of landing.

Secondly, it has been recommended that the real cost of having live-in help be permitted as a deduction from income for tax purposes. Dr. Hook states in her study: "If the full cost of household employment were a tax deductible business in households where able adult members were gainfully employed, there may be more willingness on the part of the employers to pay wages competitive with other fields." (p. 126)

The Intercede brief also points out the relationship between improved tax treatment of the employer and more equitable treatment for the employee. It recommends that The Income Tax Act be amended to permit a person to claim a full deduction for the expense of employing a domestic worker. The tax deduction could be claimed only where the minimum wage to the domestic worker had been paid.

This proposal is an attractive one. Provided that adequate machinery to prevent abuses could be developed, and there is no reason to doubt that it could, it would ensure a real incentive for the employer to offer adequate wages and working conditions. Not all of the revenue now coming from employers would necessarily be lost. Income would be taxable in the hands of the domestic, and more of such income would probably be caught if the employer could claim their deduction only when the domestic's social insurance number was provided. To some extent, this would offset losses from the lower rates and additional deductions applicable to the wages of domestics. Most importantly, it would provide a real incentive to the payment of more deserving wages.

Additionally, however, giving employers of live-in domestics better tax treatment raises the issue of the treatment of parents using day-care services. At present, the working mother can claim only $1,000 per child for day care, far below her actual costs. Giving the employer of the live-in the opportunity to deduct properly documented actual costs means that the day-care user should, in equity, have the same treatment. The effect could well be to place more funds in parents' hands to go into the market for day-care services, and a corresponding increase in the supply of such services. Possibly the increase could be achieved without as much direct public subsidization as would otherwise be necessary.

CHAPTER FIVE

PROVINCIAL LABOUR STANDARDS LEGISLATION

Coverage of domestic workers by provincial labour standards legislation is, by no means, uniform across the country. The following is a survey.

British Columbia

Employees working as domestics in private households are currently exempt but would be covered under the new Employment Standards Act (Bill 36). The general regulations may exempt live-in domestics only from hours of work and overtime premium pay provisions. Domestics working on a live-out basis would be covered by all provisions. Live-in domestics would be entitled to the hourly minimum wage or daily minimum wage. The daily rate would be equal to eight times the hourly minimum rate (e.g., if Bill 36 is proclaimed now when the hourly minimum wage is $3.65, a live-in domestic would be entitled to $29.20 per day).

Manitoba

The Employment Standards Act does not apply to "a person employed as a domestic in a private home remunerated by a householder" or someone remunerated by a babysitting agency. It does apply to someone "performing domestic, professional homemaking, nursing or other similar duties, who is remunerated by a child welfare agency, nursing home or other similar institution or agency". (s. 2(g)(iii)

Newfoundland

The regulations made under The Labour Standards Act prescribe that no employer shall pay to a person employed in a domestic service in a private

household less than $1.58 per hour plus free room and board. Effective March 31, 1981, the minimum wage for domestics would be raised to $1.73 per hour plus free room and board. Overtime pay does not apply to domestics. Other standards such as rest periods, public holidays and vacation pay apply to domestics.

Ontario

Effective January 1, 1981, domestics working more than 24 hours per week for one employer (with the exception of babysitters and companions) are protected by regulations under The Employment Standards Act, 1974.

The relevant regulation applies to a domestic employed to perform services in the household who works more than 24 hours per week and to a person employed as a nanny "to rear a child who is a member of the household where the person is considered to be qualified to do so because of formal training or experience equivalent to formal training". However, coverage is not extended to a person employed:

(i) as a sitter to attend primarily to the needs of a child who is a member of the household,

(ii) as a companion to attend to the needs of an aged, infirm, or ill member of the household, or

(iii) as a domestic to perform services in the household who works 24 hours or less.

The Ministry of Labour considers "primarily" here to mean more than 75% to 80% of the time.

The applicability of the Ontario regulation provides a good case study of the difficulties in this area. It was sought to exclude babysitters (i.e., full-time child minders without nanny qualifications) from coverage so that more modestly situated families in Ontario would not be forced out of this market for child care (i.e., the neighbour, the daily babysitter, etc.). The Ontario CEIC now does not validate offers of employment for "babysitters".

Yet, the CCDO used in connection with employment authorizations has no category for nanny, perhaps reflecting its formulators' low view of the skill required to look after children. It defines babysitter as follows:

> Performs any combination of the following duties to attend children in private home:
> Observes and monitors play activities or amuses children by reading to or playing games with them. Prepares and serves meals or formulas. Sterlizes bottles and other equipment used for feeding infants. Dresses or assists children to dress and wash. Accompanies children on walks or other outings. Washes and irons children's clothing. Keeps children's quarters clean and tidy. Cleans other parts of home. [Emphasis supplied]

However, maid/domestic is defined in the CCDO as follows:

> Performs any combination of the following duties in keeping private home clean and orderly, in cooking and serving meals, and in giving personal services to family members:
> Plans meals and purchases foodstuffs and household supplies. Prepares and cooks vegetables, meats and other foods according to employer's instructions or according to own ideas and methods. Serves meals and refreshments. Washes dishes and cleans silverware. Cleans furnishings, floors, and windows, using vacuum cleaner, mops, broom, cloths and cleaning solutions. Changes linens and makes beds. Performs other routine duties, such as, answering telephone and doorbell. Washes, irons and mends garments, linens and household articles. May look after children. May work on an hourly or daily basis and be designated accordingly; for example, Day Worker. [Emphasis supplied]

Assuming that one can secure coverage under the Ontario regulation, the followng protective provisions apply:

Wages

Domestic employees are entitled to
$24 per day
$132 per week
$568 per month or
$3 per hour

Room and Board

Householders may deduct up to $50 per week from a domestic employee's wages for room and board.

Time Off

Domestic employees who live in are entitled to at least 36 consecutive hours of free time per week without deduction from wages. If work is performed during this free time, the equivalent amount of time off or payment at not less than $3 an hour must be given.

Annual Vacations

Domestic employees are entitled to seven paid statutory holidays per year. If work is performed on the holiday, another day off with regular pay must be given before the next annual vacation.

Quebec

The Labour Standards Act applies to all domestics except those whose "main duty is the care, in a dwelling, of a child, or of a disabled, handicapped or aged person".

The protections given are a minimum wage of $122 per week for a domestic residing in the employer's dwelling ($3.65 for "live-outs"), a standard work week of 53 hours for "live-ins" (44 hours for "live-outs"), and a maximum deductible for room and board of:

$1.15/meal up to $15/week; or

$15/week for room; or

$50/week for room and board.

Saskatchewan

The Labour Standards Act does not apply to an employee employed exclusively as a domestic worker in a private home. However, the minimum wage requirements of the legislation apply to a domestic worker in a private home "...where the employer is in receipt of a wage subsidy in whole or in part from a municipal, provincial or federal government or any publicly funded organization or agency". Where the worker actually works and resides in a private home to which the exemption applies, however, the minimum wage is applicable only to eight hours in the day.

Prince Edward Island

All domestics, except those employed for the "sole purpose of protecting and caring for children in private homes" are covered by the Minimum Wage Order, effective July 1, 1980. Persons over 18 are entitled by the Order to a minimum work week of 48 hours. Thereafter, overtime is at $3.75/hr. Maximum allowable deductions for room and board are $25/wk.; for board only $20/wk.; for lodging only, $10/wk.; and for single meals $1.35/each.

Alberta, New Brunswick, Nova Scotia

Domestics are not covered in these jurisdictions.

CHAPTER SIX

POLICY OPTIONS AND RECOMMENDATIONS

1. General

The present policy respecting foreign domestic workers is described in Chapter Two. In essence, it restricts entry of domestics to those with employment authorizations. Although landing is, in theory, possible, it is in practice almost never available because of the point system and the difficulty of obtaining entry on humanitarian grounds.

The Commission has had under review since 1979 the question of possible adjustments to the policy on foreign domestics. Policy options considered, and up to now rejected, include those of refusing admission to household service workers, either as permanent or temporary workers, and limiting admission of household service workers to permanent residents only.

Within the context of existing policy, there have been some efforts made to improve the situation of those on employment visas. For example, reference has already been made to the introduction of the requirement that wages for foreign live-in domestics be sufficient to attract and retain Canadians before validation of an offer will take place. The wages now required for validation are those shown in Table III of Chapter Four. They are either those stipulated by the minimum wage legislation, or those determined by the Canada Employment Centre (CEC) to be the prevailing rate for that job within the province.

It was also made compulsory that each employer has an employer number through Revenue Canada before validation would take place, to ensure deduction of premiums for UI and CPP as well as income tax. The intent of this change may well have been to protect the employee, and it may well have this effect, to some extent. However, the revenue advantages to the government of this policy cannot be ignored.

The possibility of requiring an employer-employee contract which would specify wages and working conditions has also been considered in the on-going review of the domestic's status, but it has been pointed out that there are various difficulties with this approach. For one thing, there would be constitutional objections to the federal government stipulating the minimum standards for these contracts, or in enforcing the terms included. On the other hand, it would be unpalatable simply to allow employers to propose the contract terms without any guidance from federal standards.

In our view, it would be useful to survey the following range of policy options in relation to foreign domestic employees:

1. Deny entry altogether, either as permanent residents or on employment authorizations.
2. Restrict entry to "landed" immigrants only.
3. Restrict entry to employment authorizations only.
4. A continued combination of 2 and 3 above but with modifications to present practices and procedures.

These are discussed, in turn, under the next four headings of this chapter.

2. Denying Entry

One advantage of this approach is that it would permit free operation of market forces within Canada. Since demand for domestics would far exceed supply, a limited number of well-paying jobs would be produced which would be available to Canadians.

The option of complete exclusion is a drastic application of the market solution to the problem of the supply of Canadian domestic workers. A sudden noticeable shortage in supply would drive wages up, and Canadians should be attracted into such positions. Even if it took a considerable time for this approach to produce results, it might be preferable to do this than to continue undermining our long-run ability to overcome shortages by importing foreign workers.

Letting the price mechanism operate free from the restrictions created by cheap foreign supply does seem superficially attractive, except for two features. First, we agree with the proposition that demand without some availability of "legal" supply will attract illegals to domestic occupations. Even now, domestic occupations probably offer illegals a comparatively attractive, private way of staying in Canada. Unfortunately, such workers are even more prey to employer abuses than the visa workers. They are completely at their employers' mercy, risking deportation should an employer report them.

Second, the reasons why Canadians do not take live-in jobs may be fairly resistant to the impact of the price mechanism. The live-in feature may be such a resistant reason. But even more so is the low esteem in which these positions are held, whether they are held by wives and mothers or by hired substitutes. Substantial attitude change, in addition to the operation of the price mechanism, will be necessary to bring change here.

Accordingly, complete exclusion of foreign domestics may simply bring about a prolonged period of vacuum, during which continuing demand is filled by exploited illegals.

The alternative possibility is that these domestic jobs may be replaced by substitute services, particularly day care. Capital-intensive solutions to a reduction in the supply of labour have been applied to numerous areas of economic activity. However, they have not been without damaging side effects upon the environment, the quality of goods and services and style of life.

Development of large-scale capital intensive day care services may, too, have negative side effects and these are particularly troubling when the first to experience them are likely to be young children. Reduction in the level of care may be tempting, particularly when the consumer is not in a position easily to monitor the product and lacks alternative options. To prevent a cynical, volume-oriented approach to the provision of substitutes services would require an extremely high level of commitment by governments - commitment to government development and funding of innovative, personalized forms of day care, and commitment to intelligent and vigilant regulation of private sector services. It is almost inevitable that governments will be slow in responding to any sudden challenge to available day care resources.

For all the foregoing reasons, then, it is recommended that, once again, the option of cutting off all in-flow of domestic workers (landed or temporary) by rejected at this time.

3. Restricting Entry to Landed Immigrants Only

This option has the appeal of preventing for the future the "estoppel" problems which arise when Canada admits and allows prolonged stays to temporary workers. It does not, however, assist in dealing with the question of landing within Canada of presently employed domestic workers.

In our view, restricting entry only to landed immigrants will produce a drastic shortage of supply as long as the present selection criteria are maintained. They virtually deny entry to all domestics.

Since we have already rejected total denial of entry to domestic workers, we recommend that if this option is considered at all, it be done only with revision to the selection criteria. On March 21, the Minister announced that he had directed his officials "to look at ways of encouraging domestic workers to come to Canada as landed immigrants rather than transient workers".

The question of revising the point system raises a number of issues. The previous analysis has shown that the low value assigned under the classification of Specific Vocational Preparation (SVP) has a major impact on the difficulty now experienced by domestics seeking landed status. This occurs in part because of the low SVP itself and in part because of the impact of a low SVP on the credit given for experience.

The value of "3" for SVP assigned to the various types of domestic work is set by the Canadian Classification and Dictionary of Occupations (CCDO). The value of "3" is actually very low, when one considers that "1"

is awarded where only a "short demonstration" is required to learn the job and "2" is awarded for "anything beyond a short demonstration up to and including 30 days".

In our view, the problem faced by foreign domestic workers shows a real need to review the value put upon domestic work in the CCDO. Not only the low value assigned to it, but the job descriptions for the various types of work (see Chapter Five) are unsatisfactory in view of the complexity and inherent worth of domestic work.

While revising the CCDO classifications related to domestic work is a desirable long-term goal, we do not think that action on the situation of foreign domestics should await the outcome of any such efforts. The process is likely to be very lengthy.

Meanwhile, it is recommended that another approach be considered. Since the schedule embodying the point system is part of a regulation, it can be changed without resort to Parliament. A change to the item of the schedule dealing with Specific Vocational Preparation could remove the requirement to rate every job by the values assigned in the CCDO. Alternatively, a separate regulation could modify the values assigned in the CCDO for the purposes of Schedule I. In any event, there should at least be a change to the part of the schedule dealing with experience. There is, in our view, little reason to value more highly experience in a job with a high SVP than in a job with a low SVP. Actual experience should be the criterion for assigning points in the classification, and experience should not be artificially devalued because it is in a less exalted occupation.

In addition to categories 2 and 3 of the point system, category 4--Occupational Demand--is a stumbling block for those seeking landing because all the domestic occupations have a "0" rating. A significant change could be effected in domestics' chances for landing by simply raising this rating. This can be done administratively, without even a change in the Immigration Regulations. The basis upon which the rating is determined should take into account that demand for domestics seems, in reality, to be high in certain urban centres, and also that demand cannot be measured simply by counting applications at Canada Employment Centres. The surveys reviewed by the Task Force indicate that the services of the CEC (or its predecessor, Manpower) are not frequently consulted by would-be employers. We have also seen that such services, up until now, have been denied to the domestic on an employment authorization who is seeking to relocate.

A more drastic approach to a re-evaluation of the point system would be to create a separate category for domestics, and develop special ratings for assessing only this group. This could be called a "soft landing" approach, as it might well entail creating a separate entry system with lower requirements for people who wish to work as domestics, and who could be kept in that employment for a certain length of time. An earlier plan of this nature had been arranged between the Jamaican Ministry of Labour and Employment and the Department of Manpower and Immigration (Canada), for the recruiting of Jamaician domestics.

Under this plan, Jamaican women were pre-screened by the Jamaican Ministry. They had to be between 18 and 40 years of age, of good health and character, and have completed elementary school. They were to be "single,

widowed, divorced, without minor children or the encumbrance of common law relationships and the issue thereof". They also had to be prepared to work in domestic employment for at least a year, and those with higher qualifications (e.g. nurse, secretary) were specifically excluded.

Our own preference is to reject the "soft landing" approach in favour of a review of the point system with a view to recognizing real experience and real demand while applying to domestics the same basic criteria as are applied to everyone else. This would keep the treatment of potential domestics who seek entry as independents as close as possible to that afforded other independents. We do not like the idea of having a separate "domestics" stream of applications for landing. Not only does it stress the dubious status attached to domestic work, it also makes more tempting the notion of requiring some mechanism to keep domestics in their jobs once they have arrived here. Having landed them for a special purpose, there is an impetus to require them to fulfill it.

Should landing be the only method of entry for domestics, a number of potential difficulties arise.

First, it is perhaps inevitable that requiring entry by landing would reduce the overall numbers of domestics coming to Canada in any period. They would be vying with their countrymen for "landing" places, and the criteria of assessment would be more exacting than those now used to issue employment authorizations. Moreover, there might be employers' dissatisfaction with the length of time required to land a person engaged for domestic employment. Therefore, even with a modification of the point system, a "landings only" approach could produce a drastic reduction in supply with the concomitant

problems discussed above in rejecting the option of a total prohibition on the entry of foreign domestic workers.

Another undesirable feature of restricting entry to landing would be the effect upon the fate of the "student adventurer". The young person from abroad hoping to sample Canadian life by working as a domestic for a short time. Requiring the cumbersome and rigorous process of landing would seriously hinder such a practice.

Moreover, it may well be undersirable to have only one occupation--domestic work--excluded from the range for which temporary employment authorizations are available. In the absence of a compelling reason, this mechanism should not be excluded from operation in the area for which it was designed, i.e., to provide a temporary response to a special employment need which cannot be met locally.

It is for these reasons that the Task Force recommends that landing not be the only method whereby one could obtain entry to Canada to work as a domestic. However, if landing is to be retained for domestic workers, we would favour its expansion through a review of the point system. It is implicit in the rejection of the first two options that we are in favour of maintaining the availability of temporary employment authorizations.

4. Restricting Entry to Employment Authorizations Only

Exclusive reliance upon employment authorizations might be considered to be a way of avoiding the potential problems of landing. The two which figure

largest in this reasoning are, firstly, the question of keeping domestics employed as domestics once they are landed and, secondly, the issue of whether landing domestics will present us with potentially large numbers of family class immigrants who experience difficulty integrating into Canadian society.

However, we are of the view that it would be a significant distortion of our application process to exclude this particular class of employee from landing. For all of the reasons given in considering the previous option, the opportunities for landing should be expanded rather than eliminated. The two potential problems referred to in the previous paragraph might be met in other ways and, in any event, may not be significant, depending upon the volume of landings of domestic workers.

With regard to the first of these issues, we see it as presenting two options, both raised by the possibility that even if immigrants had to get offers of employment to become landed, they might abandon their positions quickly upon discovering jobs with better pay and conditions. The major question here is whether one should trust completely to the market to ensure continuity of employment, or whether one should rely as well on a form of required service as a domestic before other employment may be taken up.

In our view, the most desirable approach is to rely on the market. It, again, reduces the difference between the domestic worker and any other immigrant. On the other hand, an employer who has made an offer and waited through the landing process may legitimately complain if the person leaves after only a short time. So, too, might others in the Canadian labour market--or left at home in the immigrant's homeland--who might regard entry into Canada by the

"domestic" route as merely a ploy to circumvent rigorous standards. It would probably be true that of all the jobs potentially leading to landed status, domestic work is the one with the lowest perceived (not actual) demand for skill or expertise.

Consideration may be given, then, to using a form of conditional landing for domestics, similar to that now used for immigrants in the entrepreneur class. Granted landing, at first conditional upon their engaging in domestic work, the immigrants could attain "unconditional" status after a certain length of time. Six months is the period adopted for entrepreneurs, and is indeed the longest period available under s. 15 of the Immigration Act.

We do not reject completely the idea of making some landings conditional, but we do not think that all landings of domestics should automatically bear a condition of service. In some cases, it might be to the domestics' advantage to agree to a condition in order to satisfy a visa officer of their bona fides. There may be other reasons why a visa officer would wish to apply a condition. We would recommend leaving this possibility open in an individual case, but not making it a general requirement.

As to the second potential problem, in our view, it is premature to assess the impact of landing of the domestic group itself or of consequential applicants. Moreover, we are of the view that it is wiser to address the question of family class immigration directly, rather than sliding into it here, and propose to discuss it in relation to the application process.

5. Continued "Combination" with Modifications

The Task Force, therefore, recommends that employment authorizations continue to be available for foreign domestic workers, while at the same time broadening their opportunities for entry as permanent residents. This recommendation raises a number of issues.

(i) Time Limitations Upon Employment Authorizations

There is, first of all, the question of those who accumulate a sequence of authorizations and hope then to become landed. This equity issue, involving those with long stays in Canada, has been particularly acute under the present employment authorization system.

We considered recommending the imposition of a rigid limit on the number of renewals available on all authorizations granted subsequent to the announcement of details of any new landing policy. Although we rejected the idea of a fixed, outer limit, we do recommend that all persons entering Canada on employment authorizations be clearly told before coming to Canada that the authorization is temporary. We would suggest that officials advise people that, generally, the authorizations would not be renewed beyond two or three years. They should also be advised that thereafter, landing should be applied for from outside Canada if permanent residence is desired.

Once landing is determined on criteria which take into account actual experience and job demand, the employment authorization employee would not be without hope of landing. It would thus, in our view, be desirable and fair to require landing for a prolonged stay.

(ii) "Grandmothering"

At present, landing must be sought outside Canada unless the person comes within an exception. It is unlikely that many domestics now in the country could qualify for discretionary landing from within. If the criteria for landing applicable to them were now to be changed, would it be equitable to require them to return home to seek landing?

We would suggest not.

In our view, those who have been in Canada on employment authorizations now for more than a year should be "grandmothered"--permitted to seek landing from within Canada under the revised point system and allowed to remain in the country working as domestics on authorizations until their applications were processed.

Although we are not proposing any general relaxation of the requirement of applying for landing offshore, there are good reasons for an exception here. First, the affected group has up until now been excluded from landing largely because of low values on their training, experience and job demand, which may well have little relation to their individual merits. Any expansion of the opportunity to land, therefore, would not be because of a change in their own private circumstances, but because of a change in the legal regime. Second, the low wages paid to domestic workers mean that it would be a considerable hardship for them to return home, or even to make the three trips to the United States now necessary to apply for landing from that jurisdiction.

However, two caveats must be attached to this recommendation. First, it would have to be basic that no one entering Canada on an authorization after the launching of the new landing policy could apply for landing within the country. Otherwise, entering as a domestic on a "temporary" employment authorization would become our biggest "back door" to permanent status.

Second, the option to apply for landing from within should be available only for a limited period, for example, from three to six months. During this time, news of the policy change will have time to circulate and those interested will have a chance to begin the application process. In our view, a longer time is not needed.

(iii) Working Conditions

The Task Force strongly recommends that a number of beneficial changes be introduced if temporary employment authorizations are to continue even in combination with the option of landing.

First, it is welcome that the Minister has announced changes in the instructions issued to visa officers in order "to ensure a clear guarantee of time to find another job in cases where the original job ends because of problems with wages, working conditions, or for other such reasons". His proposal of putting at the disposal of the domestic the services of the CEC is also a most desirable development. The Minister did not specify the manner in which the "grace period" for finding another job would be guaranteed. However, the regulation-making power is sufficient to support the identification of such a "grace period" and we are of the view that the regulations should be formally amended for this purpose.

Should employment authorizations continue to be the sole method of allowing entry, it would be essential to adjust present UI and CPP contribution requirements. With no chance to land or to collect UI, the domestic now pays a heavy tax for the privilege of working temporarily in Canada. If landing is permitted, this problem is not so serious, because a landed immigrant can resort to UI and will accumulate a pension under the CPP. A problem arises, however, if both landing and employment authorizations continue in tandem.

If a person can come to Canada for two years on employment authorizations, and later wants to land, this individual may well wish to have contributed to CPP during the initial stay in the country. Accordingly, we would recommend that availability of the landing option should probably mean no major change to the UI and CPP contribution requirements. The possible individual circumstances are so varied that a rule that no domestic on an employment authorization should have to contribute would, in our view, be unwise. On the other hand, we would at least like to see domestics, who have worked here on employment authorizations and leave Canada, provided with the proper forms and information for claiming refunds of CPP contributions. Should they decide not to apply from home for landing, they could apply for refunds without having to conduct frustrating research at long distances. Many, it must be remembered, will be returning to locations far from Canadian government offices.

A key question which applies to both temporary and landed immigrants is how best to improve wages and working conditions. If the employment authorization continues to be a method of providing entry, then we would

recommend re-working the Confirmation of Offer of Employment so that it overtly purports to create a contract. The changes to the form could be simple, but their implications should be clearly drawn to the attention of both employer and employee.

Certain elaborate proposals for creating and enforcing contracts through the government or third parties have come forward (see Appendix A). At this stage, we are in favour of a simple approach which was discussed at the National Conference on Immigrant Women in Canada in March 1981. This is to deny to an employer, who is proven to have been in persistent or serious violation of the contract, the right to obtain another worker on an employment authorization. This sanction would be in addition to the employee's recourse to the ordinary court or a local provincial labour department for enforcement assistance. Once free of the fear of deportation should domestics complain and lose their jobs, employees might well feel more ready to resort to the CIC or other authorities with their complaints.

The question of the content of the contract is another issue. The federal government has no power to become involved in regulating contracts between landed immigrants and their employers. However, where the employment authorization exists, the opportunity is available to have at least some level of involvement.

For a number of reasons, we have concluded that the present approach of validating on the basis of "prevailing rates" or provincial minimums is probably the most sensible for now. However, if the "combination" approach which we have recommended is not adopted and the government renews its commitment to a "visa-only" approach to entry, further intervention in

contract content may be necessary to protect vulnerable workers.

It is also suggested that federal efforts should be made to persuade the provinces to improve the basic protection which they provide. One way of doing this is to initiate vigorous co-operative efforts with provinces now having minimum standards legislation, so that its enforcement is facilitated--and visible. Second, the federal government should activey solicit passage by all provinces of minimum standards. Target provinces should, in the first instance, be those which have the largest population of foreign domestics.

6. Broader Considerations

Finally, it cannot be stressed enough that this issue of domestics must be seen in its wider context. Domestic workers are underpaid because domestic work—when it is done by our relations as well as by our employees—is seriously undervalued. Not until we recognize the skill and dedication required for work in the home, particularly with children, can we expect proud workers to seek home work. We cannot wait for that moment, however, in suspended animation. Short-term solutions must be found. Among them is finding substitutes for our least well-paid domestic workers--those on temporary employment authorizations. These substitutes may be better paid workers--Canadian or landed--or day care and other external services. But in haste to replace domestics, we must still press for quality substitutes, and resist the impetus of mere "market forces" toward plentiful, low quality, day-care institutions.

In our opinion, one of the most useful stimuli for achieving improved wages in the home and quality services outside the home is the proposal that the real cost of these services be deductible from income for income tax purposes. Although it is not within the jursidiction of the Minister of Employment and Immigration to implement this change, it is urged that he and his officials press strongly for its introduction by other appropriate departments.

7. Conclusion

In outlining the policy options in this chapter, the Task Force has attempted to provide a specific focus for quick action to relieve the plight of foreign domestic workers in Canada. At the same time, we have tried to present, in convenient form, relevant information and the salient recommendations of other bodies which have examined these issues.

A period of time, although not prolonged, shold be available for full public discussion of these issues. However, the Task Force recommends that the implementation of reforms should occur as action is indicated, rather than awaiting comprehensive assessment of every aspect of the problem.

APPENDICES

RECOMMENDATIONS CONCERNING REFORM OF STATUS OF DOMESTIC WORKERS

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Royal Commission on the Status of Women in Canada. Report.
Ottawa 1970. pp. 147 - 151;
269 - 275;
203 - 204.

Women in the Canadian Economy

The Paid Household Worker

534. The paid household worker has special problems that call for special consideration. The occupation is predominantly female, but while we will refer in this section to female workers, we intend our proposals to be equally beneficial to male household workers. All household workers are particularly vulnerable to exploitation because they have little protection under the law, no occupational standards and no employee organizations or unions to represent them.

535. Through the years, the demand for household workers has varied with the economy. Before Canada became industrialized, housewives were helped by unmarried daughters or other women relatives living at home. As the country grew more urban and more industrialized, more families employed household workers who usually worked long hours for low pay. Today, with a large number of married women in the labour force, there are not enough household workers to meet the demand.

536. At present, domestic work has so many disadvantages that few people will undertake it. The Commission received no formal briefs from household workers, but many others spoke on their behalf. Concern was expressed over the adverse effects of the occupation's low status both on the employees themselves and on the quality and quantity of available workers.

537. Household work is low on the occupational scale for three main reasons. First, it is generally considered as labour that requires no formal training. Although some courses teach domestic skills, most women in domestic work have learned these skills either on the job or within their own families. Actually, technology has removed many heavy or tedious household tasks such as washing by hand, and a household worker has become a kind of technican who knows how to use modern appliances and make nutritious, well-balanced meals. Moreover, in the absence of the housewife, administration of the household as well as the care of children is often left in her hands.

5.38. Second, outmoded attitudes toward the household worker also contribute to the low position of household employment on the occupational scale. Canadian society professes to set a high value on home and children, yet downgrades the person who in some ways serves as a mother substitute. Too often, employer-employee relationships are archaic.

5.39. Third, terms and conditions of employment for the household worker generally fall far short of those accepted as a matter of course in other occupations. Here society, as well as the individual employer, is at fault. Although household workers are included in equal pay legislation in all but three of the provinces and the Northwest Territories, they are excluded from the legislation that would give them minimum pay protection. Nowhere in Canada are they covered by minimum wage Act. They are not excluded from the Canada Pension Plan and the Quebec Pension Plan but the informality of most arrangements for household work often results in their not being covered. Unemployment insurance is not available to them and they are rarely covered by workmen's compensation. No laws prescribe their maximum hours of work, time off or vacations. With so little protection, household work has become a last resort.

540. Some Canadian communities have visiting homemaker services which supply temporary household helpers when a mother's illness prevents her from caring for her family and home. They also help ill or elderly people who live alone. Visiting homemakers, many of whom have been formally trained, are employed under contract by a private or public agency. This businesslike arrangement helps to ensure uniform pay and working conditions commensurate with their duties and responsibilities. The Canadian Welfare Council provides agencies with a guide to desirable standards of employment. 102

541. A number of European countries, such as Denmark, Sweden and Switzerland, have moved well ahead of Canada in recognizing the social and legal rights of household workers. In some countries special legislation protects their pay and working conditions; in others they are covered by legislation that applies to other workers. In some, homemaking is recognized as a career and training in household skills and management is offered to high school graduates and experienced housewives and mothers. Frequently, emergency visiting homemaker services are subsidized by governmenet and administered sometimes by local governments, sometimes by private welfare agencies.

542. The United States has taken a different approach to improving the status and employment conditions of the household worker. A National Committee on Household Employment, formed in 1965, has used volunteers and public and private funds to make a nationwide survey of household employers and employees. It has also set up demonstration projects to provide guidelines for recruitment, training, placement and job development. The Committee has already developed a Code of Standards for the employment of household workers. The Code defines the duties and responsibilities of workers and covers such matters as wages, hours of work, vacation, sick leave, social security and liability insurance.

543. We believe that Canada must take action to improve the situation of the household worker. In a society in which workers in most areas are protected by law and represented by unions, it is indefensible that any occupation should be subject to the exploitation common in household work. Given suitable working conditions and the respect household work deserves, it might attract women, and perhaps men, with domestic skills and interests. Because of the high proportion of working mothers and single parents, our economy badly needs these skills but grants them little financial reward or social status.

544. In the Chapter on education we make recommendations about training household workers under the Occupational Training for Adults Programme; their adoption would help to raise the status of this occupation. Household work would also benefit from the implementation of our recommendation for the extension of the Unemployment Insurance Plan to all persons working in an established employee-employer relationship. Household workers should also be covered by minimum wage laws and entitled to workmen's compensation. Any employment conditions prescribed by law for other workers should also be applicable to them.

545. Therefore, we recommend to the provinces and territories that household workers be covered by minimum wage laws, workmen's compensation and other labour legislation applicable to other paid workers.

546. Fairness demands some uniformity in policies and practices. Because there is usually only one household worker in a home, neither household workers nor families that employ them have a collective means of protecting their interests or knowing whether their expectations are reasonable. We believe governments should be responsible for providing the information about household workers that both workers and employers need.

547. Therefore, we recommend that each provincial and territorial government establish a Household Workers Bureau which, with its network of local offices, would be responsible for (a) establishing and promoting employment standards for different categories of household workers; (b) maintaining a list of available workers according to their competence, training, experience, health and other relevant qualifications; (c) directing available household workers to families which require them; (d) maintaining a record of families which use or require the services of the Bureau, with indications of the conditions of work of each of them; (e) supplying these families with information relating to desirable conditions of work and social security benefits; (f) promoting the training of household workers according to the needs of the market; (g) initiating, if necessary, training courses for household workers; (h) ensuring that household workers are not exploited; and (i) conducting studies and providing information on the current market situation of household workers.

548. We recognize that neither legislation nor the machinery we have proposed will necessarily solve problems inherent in the employee-employer relationship. We therefore suggest that household workers should be attached to a central agency. The higher status and better working conditions of visiting homemakers show that this method works well.

549. To give all household workers a chance to be employed under these conditions, provinces and territories should promote the establishment of agencies with which household workers and people looking for household workers could register if they wished. When it placed a worker in a job the agency would become her employer, responsible for settling with the family for whom she worked terms and conditions of employment and the fee to be paid to the agency for her services. The agency would pay the employer's contribution to such plans as the Unemployment Insurance Plan and the Canada or Quebec Pension Plan, and would deduct the worker's contribution to such plans from the fee it paid

her. The agency could also offer especially well-qualified household workers career opportunities by directing them to positions with scope and wages in keeping with their ability and experience.

550. The agency might be a Crown Corporation or household worker co-operative. A co-operative would give household workers a voice in establishing their working conditions and a share in any possible profits. Since household workers are not organized, provinces and territories might have to set up these co-operatives.

551. Therefore, we recommend that provinces and territories promote the establishment of agencies or co-operatives to (a) act as the employer of household workers to be assigned to suitable employment, and (b) collect for the services of the household workers, make income tax, social security, and other payroll deductions, and ensure that they have equitable pay, approved employment conditions and the protection provided by law.

552. We realize that our recommendations would increase costs for families that employ household workers. Some families who can now afford help they genuinely need might find it no longer within their financial reach. This problem will be discussed in the chapter on the family.

(Footnotes omitted)

167. Therefore, we recommend that fees for the care of children in day-care centres be fixed on a sliding scale based on the means of the parents.

170. Therefore, we recommend that the provinces, where they do not already do so, pay not less then 80 per cent of the provincial-municipal contribution to day-care centres.

173. Therefore, we recommend that the National Housing Act be amended to (a) permit the making of loans for the construction, purchase and renovation of buildings for day-care centres, and (b) permit the inclusion of space for day-care centres in housing developments, including university buildings, for which loans are made under the Act.

181. Therefore, we recommend that the federal government immediately take steps to enter into agreement with the provinces leading to the adoption of a national Day-Care Act under which federal funds would be made available on a cost-sharing basis for the building and running of day-care centres meeting specified minimum standards, the federal government to (a) pay half the operating costs; (b) during an initial seven-year period, pay 70 per cent of capital costs; and (c) make similar arrangements for the Yukon and the Northwest Territories.

187. Therefore, we recommend that each province and territory establish a Child-Care Board to be responsible for the establishment and supervision of day-care centres and other child-care programmes, which will (a) plan a network of centres (as to location, type, etc.), (b) set and enfore standards and regulations, (c) provide information and consultants, (d) promote the establishment of new day-care services, and (e) approve plans for future day-care services.

188. Further, we recommend that the Department of National Health and Welfare offer an extension of advisory services to the provinces and territories through the establishment of a unit for consultation on child-care services.

Education - Training for Paid Household Employment

146. Household workers are urgently needed to provide both emergency and permanent assistance. We believe that more training programmes should be provided for women interested in doing this sort of work. Some countries have successfully organized such courses. For example, in Sweden the state-subsidized Social Home Help Service was instituted in 1920 to train "home helps" to provide a service to families in an emergency. These services, at first used in preventive social work and provided free to the poor, are now available to people in all income groups. Since 1950, there has also been a special home help service for elderly people living alone.

147. In Canada, courses for visiting homemakers for emergency assistance have usually been organized by the social agencies through which the women are employed, although some training has been offered under public auspices. For example, in 1968, at Algonquin College of Applied Arts and Technology in Ottawa, a three-month course was introduced in co-operation with the local Canada Manpower Centre, with a co-ordinator from a social agency. The experiment was a success and the course is being continued. The curriculum, which includes practical training and lectures by a home economist, a social worker, a public health nurse and a psychologist, is designed to train homemakers as part of a medical-social team. Graduates of the course often work with low-income families when there is chronic illness, mothers are lost to families through death or desertion, parents with a retarded child require relief, the mother is receiving psychiatric treatment, or when help is needed in other situations.

148. Training is also needed for paid household workers to work on a permanent basis. Home economics courses in elementary and secondary schools provide some training but mainly teach girls to manage their own households. We believe that courses for paid household workers leading to certification should be set up. Courses should be open to both men and women and offered at convenient hours. Because one object of the training is to establish standards and improve the status of the occupation, we believe that it should be provided by the Department of Manpower and Immigration. It should include information about working conditions, wages, and how to organize for collective action to improve the conditions of employment. Therefore, we recommend that the federal government, in co-operation with the provinces, provide through the Occupational Training for Adults programme (a) training courses which will lead to a diploma for visiting homemakers for emergency assistance, the planning of which will be in conjunction with local welfare agencies, and (b) training courses leading to a diploma for household workers other than visiting homemakers.

192. Baby-sitting services are available in many communities through established agencies, and private arrangements are commonly made with teenagers or elderly people, at an hourly rate. In one city, for example, th agency rates are about $1.10 an hour, with a daily rate of $11.00 or $12.00 varying with the number of children to be cared for. The baby-sitter usually limits her duties to supervision of the child which may involve providing meals for him, but she does no other household work. Some parents employ sitters on this basis for evenings of recreation or for longer holiday periods. The cost, however, is prohibitive for families in the lower-income brackets.

193. Full-time housekeepers or household workers are increasingly rare in Canadian homes. In the chapter on the economy we have urged an improvement in working conditions and salaries for such workers. We are aware that some families may then find it even more costly than at present to employ domestic helpers. However, it may still be possible to hire a housekeeper in a home with several children at less cost than maintaining the children in a day-care centre. Many families believe this is a preferable arrangement, and our concern is that salaries and working conditions should be such that competent women will be attracted to this kind of work.

194. Associated with the scarcity of housekeepers are numerous complaints about inadequate service. An example from one submission is as follows: "Very ofen, many of us have had to settle for housekeepers who were not adequate mother-substitutes: young girls who spent the afternoon watching TV, reading, or who were not attentive to the children in general; or women who had no idea of how to care for small children, or how to give first aid care in case of accidents, etc....." (67). Recommendations for the training of household workers are made in the chapter on education. These measures were strongly advocated by many of the women appearing before the Commission.

195. Present programmes to provide visiting homemakers on an emergency or short-term basis should be greatly expanded. Canada in January 1969 had only 121 homemaker service agencies with a total of 1,915 women employed as homemakers (68). This is a ratio of nine per 100,000 of the population (69). Most of these services are in cities of over 100,000; communities under 30,000 are very badly served. British Columbia has a wider number of homemaker agencies in her smaller communities than are found in other provinces, but nowhere in Canada does the supply meet the need and in the Atlantic Provinces the programme has barely begun (70).

196. Homemaker services frequently operate in conjunction with the Red Cross, the Victorian Order of Nurses, Home Care health schemes, and Family Service agencies. Their costs are borne about 48 per cent by government (71) about 27 per cent by clients, about 17 per cent through United Appeals and Community Chests, and about 8 per cent through other welfare sources. The top fees charged (fees are on a sliding scale in most cases, according to ability to pay) range for $1.56 an hour in some localities to $2.30 an hour in others. A daily charge may range for $6.00 to $18.00. In most places, a homemaker's pay

is close to the minimum wage while in others it is considerably higher. For example, the top wage received by homemakers in Ottawa (May 1970) was $1.95 an hour, and the agency also provides uniforms, holidays with pay, workmen's compensation, and long-term disability insurance.

197. Homemaker services are extended strictly on the basis of need, regardless of income. Priority is given to households with children where the mother is ill or has died, or in other emergencies. Care is also given under the scheme to aged people living alone, and in these cases the length of service may be extended indefinitely, on a basis of several hours a day or week. In most cases, however, the homemaker stays with a household over a period of from two days to three weeks. The average time per case (72) is 13.6 days.

198. Homemakers in most areas are recruited largely from among middle-aged women who have not previously worked outside their own households. Some agencies, as they begin to offer higher rates of pay and special training and certification, are experiencing a larger influx of younger women. Recruiting of men has also been considered. Usually educational requirements are waived although increasingly homemakers are being offered the advantage of training courses. Efforts are still needed to increase the prestige of the homemaker's role in line with her duties as household manager and mother substitute.

199. The need for more visiting homemakers in Canada has been clearly shown. They solve a family's most urgent problems in times of crisis. Their value in keeping a home intact through such emergencies is a tremendous asset to the community and should be recognized as such. Such a supplementary resource in case of illness or accident makes more practicable the use of day-care centres as a regular service to families. A greater supply of homemakers and trained household workers, and extended day-care services, can do much to meet the general requirements of child care by offering strong support to the basic responsibility of the parents.

(Footnotes omitted)

Brief to the Task Force from Intercede and Other Groups. January 1981.

From:

Intercede (International Coalition to End Domestics' Exploitation)

Association of Filipino Patriots

Labour Advocacy and Research Association

Montreal Household Workers' Association

Note:

In discussion, counsel for The Centre for Spanish Speaking Peoples and a lawyer working with Labour Rights for Domestic Workers (Toronto) substantially endorsed these recommendations.

SUMMARY OF RECOMMENDATIONS

RECOMMENDATION NUMBER ONE:

Instructions should be immediately issued to the field officers to assess applications for permanent residence by domestic workers who have resided continuously in Canada for a reasonable period of time, on the basis of success in establishing themselves in Canada. This should be the sole criterion by which such applications are assessed.

RECOMMENDATION NUMBER TWO:

There should be no restriction on the number of renewals of temporary employment authorizatins given to a domestic worker, provided there is no justifiable reason for not renewing it.

RECOMMENDATION NUMBER THREE:

The pamphlet "Working Temporarily in Canada - Facts for Foreign Workers", should be revised to explain the Regulations covering spouse and dependent children of temporary visa workers in Canada. Immigration officers should be required to advise the temporary worker of the Regulations presently in existence.

RECOMMENDATION NUMBER FOUR:

Domestic workers presently in Canada on valid employment authorizations should be permitted to apply for permanent residence from within the country, and should be assessed on the basis of their present or potential successful establishment in Canada.

RECOMMENDATION NUMBER FIVE:

Upon receipt of a confirmed offer of employment, a domestic worker should be processed for permanent residence in Canada, and should be permitted to come to Canada on a temporary employment authorization. The application for permanent residence should be approved within a year of the applicant taking employment in Canada, provided there is no justifiable reason for refusing the application, as defined by Sections 19 and 27 of the Immigration Act (a system similar to that presently in operation for entrepreneurial applications).

RECOMMENDATION NUMBER SIX:

In recognition of the high demand for domestic workers in Canada, applicants for permanent residence should be accorded full points under the Occupational Demand category of the selection criteria (schedule 1, immigration regulations).

Domestic workers should be reclassified under the category vocational preparation, in recognition of the variety of tasks performed and skills needed. They should be assessed in category (e) where the amount of training required is twelve months or more and less than two years.

RECOMMENDATION NUMBER SEVEN:

Before a confirmation of an offer of employment may be sent to a domestic worker, an employer should be required to sign a legally-enforceable contract, setting out the terms and conditions of employment, which will be signed by the domestic worker before she begins to work. This can be facilitated by sending the contract.

RECOMMENDATION NUMBER EIGHT:

A special branch of the Department of Employment and Immigration should be established, and located in Canada Employment Centres, which would be invested with the power to investigate complaints and to make and enforce binding decisions.

RECOMMENDATION NUMBER NINE:

The Immigration Settlement and Adaptation Program (I.S.A.P.) should make funds available to community organizations for the delivery of services to people on temporary employment authorizations. Funds should also be made available to assist domestic workers in lodging complaints of violations of the contract.

RECOMMENDATION NUMBER TEN:

A list of these agencies should be supplied by the Immigration Department to all incoming domestic workers.

RECOMMENDATION NUMBER ELEVEN:

The Domestic Employment Branch, referred to in Recommendation Number Eight, should maintain a list of employers who have repeatedly violated the contract or who have not maintained suitable working conditions, and the Branch should refuse to confirm offers of employment for these employers.

RECOMMENDATION NUMBER TWELVE:

A domestic worker should be able to change employers without jeopardizing her status in Canada.

RECOMMENDATION NUMBER THIRTEEN:

A domestic worker should be able to use the services of Canada Employment Centres to find a new employer.

RECOMMENDATION NUMBER FOURTEEN:

Given the significant number of temporary workers in Canada, the Government of Canada should sign the International Labour Conference's Convention #143 "concerning migrations in abusive conditions and the promotion of equality of opportunity and treatment of migrant workers".

RECOMMENDATION NUMBER FIFTEEN:

Establishment of legislation covering wages and working conditions of domestic workers on temporary employment authorizations should be immediately drafted and introduced into the House of Commons, in accordance with the policy of the Liberal Party in Opposition and following the precedent established by the Caribbean and Mexican Seasonal Agricultural Workers' Programs.

RECOMMENDATION NUMBER SIXTEEN:

The Federal Government should bring pressure to bear on the Provincial Governments to ensure that these basic rights within the provincial jurisdiction are extended to all domestic workers.

RECOMMENDATION NUMBER SEVENTEEN:

Domestic workers who qualify under Unemployment Insurance Act and Regulations should be eligible to collect Unemployment Insurance benefits for sickness and maternity, and while seeking new employment.

RECOMMENDATION NUMBER EIGHTEEN:

Domestic workers leaving Canada should be provided with an income tax form and instructions for completion prior to leaving the country. The information regarding Income Tax and Canada Pension Plan reimbursement should be outlined in the initial letter given to the domestic worker upon arrival in Canada.

RECOMMENDATION NUMBER NINETEEN:

In recognition of the lack of affordable child care and the double workload carried by women in the paid labour force, the Income Tax Act should be amended to permit a person to claim a full deduction for the expense of employing a domestic worker.

One of the mechanisms which the Federal Government should implement to ensure that domestic workers are paid the minimum wage is a provision in which the above tax deduction could be claimed only in situations where the minimun wage to the domestic worker had been paid.

Resolutions from the
Ethnic Women's Conference.
Winnipeg, March 14, 1981.

1. WHEREAS Homeworkers and other employees under the Temporary Employment authorizations are excluded from Workers Compensation Act, Chapter W 20, Human Rights Act, Chapter H 175, Vacation with Pay Act, Chapter V 20, the Workplace Safety and Health Act, Chapter W 210, and the Employment Standards Act Chapter E 110, BE IT RESOLVED that Homeworkers and other people under the Temporary Employment authorizations be included with Federal and Provincial Employment Standards Act, and be entitled to all the labour rights and regulations of any other Canadian worker.

2. WHEREAS the name domestic worker has been associated with the concept of servitude and whereas the duties performed by the category of individuals contribute to the social and economic well-being of Canada, BE IT RESOLVED that the name domestic be changed to "HOMEWORKER" and be inserted and used in the Canadian Classification and Dictionary of Occupations, Federal and Provincial regulations, legislation and employment and immigration documents.

3. WHEREAS Homeworkers are unaware of individual rights, duties, and Canadian customs, BE IT RESOLVED that a basic orientation course of 3 to 4 weeks duration be established through the Federal Government and the Canadian Employment and Immigration Commission (CEIC) to familiarize the foreign Homeworkers not only with the operations of modern home appliances, etc., but be informed about their individual employment rights; human rights; issues related to women; and other pertinent regulations while living in Canada.

4. WHEREAS current private agency contracts are not understood by foreign Homeworkers, and whereas the employer can violate the contract, and whereas there is no Provincial legislation to enforce the contract, BE IT RESOLVED that the Federal Government, through the CEIC, establish a uniform binding contract, which meets the Employment Standards Act, for all foreign workers.

5. WHEREAS Homeworkers are often subject to poor employment conditions and whereas changing employers would result in deportation, BE IT RESOLVED that the foreign Homeworkers be allowed to change employers through written legislation in the Federal Government Immigration Act dealing with Homeworkers, through the CEIC when the working contract has been violated.

6. WHEREAS Homeworkers represent a critical employment shortage in Canada that the Federal Government, through the Immigration Act, upgrade the point system accorded to domestic workers to allow for full immigration to Canada.

Resolutions from the National
Conference on Immigrant Women in Canada.
Toronto, March 20-22, 1981.

WHEREAS the Temporary Employment Authorization Program is bringing increasing numbers of immigrant women to Canada as a "captive labour force" lacking the most elementary protection under the law, be it resolved that:

1. The minimum provincial employment standards be applied immediately to all work permits.

2. The assessment criteria for landing, specifically occupational demand, education, and experience, be geared to the actual needs of the labour market.

3. The Offer of Employment signed by the employer and by CEC be also signed by the domestic worker, thus becoming a legally enforceable contract.

4. Women on work permits be immediately allowed to apply for landed immigrant status within the country and all immigrant services be therefore available to her.

5. The Temporary Employment Authorization Program be replaced by a system which allows domestic workers and others to enter Canada as landed immigrants.

6. The Canadian Government makes more information available to women in their home countries prior to immigrating to Canada.

Recommendations of the Association of Immigration Lawyers.
Toronto, July 1980.

1. The point system should be re-evaulated so that it reflects the need for skilled and unskilled labour in the economy. This recommendation refers directly to their previous comment that: "Because the point system is geared toward persons with years of education and training, potential productive and contributing members of the immigrant community are not being approved solely because they have skills which require little training, even though they are in a high demand job category."

2. Persons who are permitted to work in Canada for extended periods of time on temporary visas should be afforded an effective opportunity to make application for permanent residence, which takes into consideration their work history in Canada, and not the particular skill or points obtainable for that skill on a point assessment.

Note: In his letter to Joe Stern of August 25, 1980, Mendel Green amplified these comments, by specifying that these persons should be able to adjust their status while in Canada.

Recommendations of Sheila M. Arnopoulos, Study for the Canadian Advisory Council on the Status of Women. January 1979.

1. Rather than depend on employee complaints, CEIC could institute a system of random spot checks to determine whether employers are living up to the working conditions promised on the offer of employment.

2. If government found employer not living up to the agreement, employer could be deprived of present employee and barred from receiving others on work permits.

3. Basically, however, whole system needs to be revamped.

4. A long-term solution is to amend provincial minimum labour standards legislation to include domestic workers.

5. Other measures to prevent abuses of domestics:

   a) Federal government subsidies for independent network of non-profit agencies in various cities along the lines of Montreal Household Workers Association to process all workers' applications (foreign and domestic) and employer orders. While outside the CEIC bureaucracy, these centres would have informal links to it. They would also sponsor training programs and social events.

   b) Placements could be made through a worker/employer contract such as the one now used by the Montreal Household Worker's Association. Contracts should cover required tasks, hours of work, regular pay, overtime, mode of payment, room and board, statutory holidays, annual vacation, sick leave, maternity leave, social benefits, safety conditions, probation period, termination notice, grievance procedures. Grievances would be through the non-profit associations.

6. The government should consider allowing women who have successfully completed three years of domestic service to apply for permanent residence.

Resolutions from the Annual Meeting of the National Action Committee on the Status of Women. March 1980.

9. (a) The Canada Employment and Immigration Commission cease to interpret the restrictive work permits of domestic workers as a bar to employment availability and therefore a bar to the collection of unemployment insurance benefits;

(b) domestic servants who come to Canada on a work permit be awarded points toward attaining landed immigrant status for the time they have spent in Canada;

(c) all domestic workers - whether they be on work permits or have other status - be extended the full protection and rights of all provincial labour standards including minimum wage provisions and human rights legislation;

(d) NAC urge as an interim measure that the Minister of Employment and Immigration ensure that existing regulations requiring working conditions and wages "suitable to Canadians"* in contracts for domestics on work permits be fully implemented and consistently enforced across the country.
(* wording approximate to legislation)

Recommendations of Susan Ballantyne. University of Toronto Student Legal Aid Society. March 1980.

1. Amend The Employment Standards Act of Ontario to extend protection to domestics.

2. Establish network of domestic agencies which could control the terms of the workers' service through a domestic employment contract, as well as providing educational and language training facilities. The network would be independent of CEIC; immigration officers would continue to be responsible for screening at time of entry. The contract used by the agency would provide that remuneration and hours of work must be in accordance with minimum wage and work week regulations set by the province in question.

The contract would be signed by the prospective employer and by the Agency as agent for the domestic and would be presented by the employer when filling out at CEIC the offer of employment.

Montreal Household

Workers Association

Contract of Employment

(referred to in Arnopoulos and Ballantyne recommendations)

HOUSEHOLD WORKERS ASSOCIATION

Contract of employment

Contract of employment between

Mr. Mrs. Miss _____ hereinafter called employer
(name of employer)

AND

Mr. Mrs. Miss _____ hereinafter called employee
(name of employee)

Whereas the employer had agreed to employ _____
(Name and Address)

_____ as full-time/part-time; live-in
(employee)

household worker and the employee had agreed to work for

_____ as household worker for remuneration.
(Name & Address of employer)

Now it is hereby agreed between the parties in the manner

following that;

Definition of Tasks

1 (1) The tasks of the employee shall be _____

_____

_____

_____
(Description in full)

Working Hours

(2) The above described tasks shall be discharged by the employee faithfully and with all due diligence and to the satisfaction of the employer.

2 (1) The working hours of the employee as a full-time household worker shall be:

Mondays,	from	_____	to	_____
Tuesdays,	from	_____	to	_____
Wednesdays,	from	_____	to	_____
Thursdays,	from	_____	to	_____
Fridays,	from	_____	to	_____
Saturdays,	from	_____	to	_____
Sundays,	from	_____	to	_____

and shall not exceed forty-five (45) hours per week.

(2) The working hours of the part-time household worker shall be:

Mondays, from _____ to _____
Tuesdays, from _____ to _____
Wednesdays, from _____ to _____
Thursdays, from _____ to _____
Fridays, from _____ to _____
Saturdays, from _____ to _____
Sundays, from _____ to _____

and shall not exceed twenty-five (25) hours per week.

(3) The hours not stipulated herein as work hours shall be considered as the employee's time off and shall be respected as such by the employer.

(4) The employee shall be allowed a minimum of thirty minutes and a maximum of one (1) hour per day for meals during the work period.

(5) The employee shall be entitled to two complete days of rest in each work week, continuous if possible, agreed to at least one week in advance.

Remuneration

3 (1) The employer shall pay to the employee minimum wage.

(2) The wages mentioned above will be subject to a bi-yearly increase based on the cost of living adjustment provided by the Government of Canada. (See Statistics Canada 1971 - 100).

(3) The above shall not exclude other types of raises.

Mode of Payment

4 (1) The wages shall be paid in legal currency or by cheque and in both cases shall be accompanied by a pay slip.

(2) On the pay slip, the employer shall enter the given name, date of pay period, hours worked, overtime, deductions made, — Unemployment Insurance, Quebec Pension Plan, Quebec Health insurance premium, as well as Federal and Provincial Income tax; and the net amount of wages.

(3) The wages shall be paid weekly on a fixed day hereby agreed to be _____.

Room & Board For Live-Ins

5 (1) A weekly sum, hereby agreed upon as $_____, but not more than one third (1/3) of the weekly wage of the employee shall be paid by the employee to the employer to cover his/her room and board.

(2) The board provided by the employee shall meet the minimum health and safety standards of Quebec.

Overtime

6 (1) If for any reason, the employee works in excess of forty-five (45) hours per week with the approval or knowledge of the employer and without objection on his/her part, the work done shall be regarded as overtime.

(2) The employee shall be remunerated at the rates hereinafter indicated for the number of overtime hours worked.

a) At the rate of one and one half (1½) his/her regular hourly salary as a general rule.

b) At the rate of double his/her regular salary if the overtime work is done on a statutory holiday, and this shall be in addition to the payment of the holiday.

(3) Overtime work done may also be compensated in time as agreed to by the contracting parties.

Statutory Holidays

7 (1) The employer recognizes and shall observe during the year (January 1 to December 31) ten (10) paid statutory holidays, namely:

1) New Year's Eve (31st December)
2) New Year's Day (1st January)
3) Good Friday
4) Easter Monday
5) Victoria Day
6) Fête de la Saint-Jean
7) Dominion Day
8) Labour Day
9) Christmas Day (December 25)
10) Boxing Day (December 26)

(2) When one of these statutory holidays occurs on a weekly day off or during the vacation period of the employee, the employee shall not lose this paid statutory holiday.

(3) While on a statutory holiday, the employee shall receive remuneration equivalent to the one he/she would receive had he/she been working.

Annual Vacation

8 (1) The full-time employee shall be entitled to and shall have one day of paid vacation for each month of service up to a maximum of ten working days.

(2) The part-time employee shall receive his/her paid vacation in the form of 4% his/her total annual earning.

(3) The period of vacation shall be decided by the employee with the approval of the employer.

(4) The employee on annual vacation shall receive remuneration equivalent to that which he/she would receive if he/she was at work.

(5) The vacation pay shall be remitted to the employee with the last pay preceding his/her departure on vacation.

Sick Leave

9 (1) During one year of full employment, the employee shall be entitled to a minimum of seven (7) days and a maximum of twenty-one (21) days of paid sick leave on a medical officer's written recommendation.

Maternity Leave

10 (1) The employee having worked for the employer for more than three months shall be entitled to maternity leave without pay on her becoming pregnant, provided she produces a medical certificate attesting that work will not be conducive to her health.

(2) The pregnant employee may stop work at any time during her pregnancy upon the advice of the attending physician. The employer upon recommendation of a physician designated for this purpose, however, reserves the right to require an employee to stop work if the state of health of the latter becomes incompatible with the requirements of her job.

(3) The employee on maternity leave shall return to work between the forty-fifth (45th) and ninetieth (90th) calendar day following delivery. And she shall then produce a certificate from her physician establishing that she is able to resume her regular work. In the event that she is unable to return to work within the above specified period, she shall present a certificate from her attending physician to the effect.

(4) If the employee does not return to work within the specified delays, she shall lose her employment from the date of her departure.

Other Leave

11 (1) The employer shall grant to the employee

a) A paid leave of three (3) calendar days upon the death of the following member of his/her family: vis - father, mother, brother, sister, spouse, child, father-in-law, mother-in-law, daughter-in-law, son-in-law.

b) A paid leave of one (1) calendar day upon the death of a sister-in-law, brother-in-law and grandparents.

c) A paid leave of one (1) calendar day upon the baptism of his/her child.

(2) For the calendar days of leave in paragraph 11 (1), the employee shall receive remuneration equivalent to that he would receive had he/she been working, except if they coincide with any other leave provided in the present agreement.

(3) In all cases, the employee shall advise the employer of the situation and upon the request of the latter, shall present proof of attestation of these facts.

(4) The employer shall grant the employee who requests it one (1) month in advance, a two (2) week leave of absence without pay on the occasion of his/her wedding.

Social Benefits

12 The employer shall undertake the necessary procedures and shall make the required contributions towards the coverage of his/her employee under the Quebec Health Insurance Plan, Quebec Pension Plan and Unemployment Insurance. The employer shall also make the required deductions from the employee's salary, towards same.

Safety

13 It shall be the employer's responsibility to provide, at the locale of employment, maximum safety and health precautions.

Grievance Procedures

14 (1) Should there be grievances or disagreements respecting the terms of employment, and should the employer and employee fail to reach a satisfactory solution, either of the parties may request that the grievance or disagreement be brought before the Household Workers Association who, in this case, will act as a representative of the employee.

(2) The Household Workers Association will not, however, be held responsible for acts committed by the employee.

Duration of Contract

15 (1) The term of the contract shall be a period of _____ months:

from the _____ day of _____ 19___, to the

_____ day of _____ 19 ___.

(2) The contract may be prolonged by joint renewal.

Probation Period

16 (1) Any new employee shall be subject to a probation period of 15 days.

(2) The probation period shall be subject to the conditions of the present contract. The employer or the employee shall have the right to demand annulment of the contract as long as within the above-mentioned 15 days, a written week's notice is given.

Notice of Termination

17 (1) If one or the other party does not respect any one of the conditions set in the contract, or if any one of the conditions prevailing at the time of the signing of the contract is no longer relevant, either party shall have the right to demand annulment of the contract as long as written notice is given.

a) In the case of the employee hired by the week, the contract may be terminated by a week's notice given by one of the parties to the other.

b) In the case of the employee hired by the month, the contract may be terminated by two weeks' notice given by one of the parties to the other.

c) In the case of the employee hired by the year, the contract may be terminated by two weeks' notice given by one of the parties to the other.

Termination by Death

18 (1) The contract shall be terminated by the death of the employee or by his/her becoming without fault unable to perform the services agreed upon.

(2) The contract shall also be terminated by the death of the employer.

Defintion of Terms

19 (1) Full-time household worker means the employee working a minimum of forty-five (45) hours per week.

(2) Part-time household worker means the employee working maximum of twenty-five (25 hours per week).

(3) Live-in household employee means the employee who is provided with and accepts room and board at the place of employment.

Remittance of Copy of the Contract

20 The contract shall be signed in duplicate and that the employer, within fifteen (15) days of signing shall give the employee a copy of the agreement.

IN WITNESS WHEREOF I have signed at _____

this _____ day of _____ 19___.

_____ _____

Employer's Signature Employee's Signature

Witness _____

for Household Workers Association

Nancy C. Hook. Final Report.
Domestic Service Occupation Study.
January 1978. pp. 127-130.

The following items summarize the recommendations which stem from the discussions in this chapter. The sequencing does not necessarily reflect their importance.

1. Foremost, values and attitudes toward domestic work and workers must be changed. This includes those of the general public and specifically those of employers and other personnel who deal with domestic workers.

2. There is need for the documentation of job expectations, responsibilities and working conditions. That means a comprehensive job description should be developed for each position including the expectations and responsibilities of the employer and an agency, if involved, as well as those of the domestic worker.

3. The working conditions and wages of domestic workers need to be similar to those of workers in other Canadian occupations. This means that domestic workers should be included in employment standards legislation. Concerns have been expressed regarding enforcement of such regulations. Domestic workers employed by agencies are presently covered in Manitoba; consequently, it seems that all domestic workers could be included.

4. There is a need for the implementation of trial or probationary periods explicitly stated to assist in guaranteeing mutually satisfactory employer-employee relationships.

5. The possibility of replacing some live-in workers with two or three workers per day who work for either an eight or twelve hour shift may provide an answer to the problems associated with live-in domestic work.

6. Further recruitment of domestic workers within Canada is needed.

    a. Unemployed persons who have previously had experience in domestic work could be identified and recorded in a computerized listing for use by Manpower personnel in their assistance to employers. However, with the uncoordinated record systems varying from Manpower office to office, it is quite clear why Manpower has difficulty identifying manpower resources and then mobilizing workers for placement in areas where they are needed.

b. The possibility of recruiting students in post-secondary educational institutions to work for their room and board plus financial compensation could be explored if economic constraints continue to limit part-time positions for students. There have been attempts to create opportunities for students; in domestic service, jobs are available without any need to instigate "job creation" projects.

c. Employers may be able to use a combination of services such as day care, homemaker, lunch-and-after school if they know about these services and standards are acceptable to all socio-economic groups.

7. Agencies could possibly expand services to reach more people who have similar needs to those of the clientele which they are now servicing. However, this means more flexibility in their requirements to meet the unique needs of individuals and families. Since supervision and training standards vary widely within agencies, continuing efforts to raise standards in these areas are a necessary part of this expansion.

8. There is a need for a centralized service which could have as its purpose the following:

   a. to coordinate information about all available services,

   b. to provide counselling as to services available for special needs,

   c. to act as ombudsman--that is, function as a mediator or arbitrator to insure satisfactory employer-employee relationships and,

   d. to serve as a recruitment center and to maintain records of workers.

9. Canada Manpower needs to examine its policies relative to recruitment and placement of Canadian domestic workers. The CCDO categories do not reflect the current positions of domestic workers. The role of the Temporary Manpower Office and its system of record keeping need to be part of this review.

10. Canada Manpower and Immigration needs to review its policies relating to conditions of employment for visa workers.

    a. Selective restrictions should be placed on the number of visas issued for domestic workers since there are Canadians who are willing to do domestic work providing working conditions and terms of employment are equivalent to other occupations.

b. Working conditions and terms of employment must be equivalent to those of Canadian workers. Follow-up is necessary to insure that contract specifications are being met and working relationships are compatible.

c. Specific guidelines for the employment of visa workers need to be established and clearly communicated through a printed hand-out to prospective employers, workers, and anyone else who requests such information.

d. Screening to determine whether live-in workers are mandatory is a must since many Canadian workers who are live-ins are well paid for their efforts. Shift work as a replacement has been suggested in this summarization.

e. Flexibility within the guidelines could permit arrangements whereby workers may work in multiple households, receive overtime pay, and begin with a trial or probationary period, thus allowing acceptable movement in the labour force and more satisfied employers and workers.

f. Counselling and enforcement of regulations are functions which need to be performed by different personnel. To insure confidentiality these functions must be separate.

11. If society wants the very best for its children, then policies must reflect this idea. Taxation policy should be reviewed with consideration given to making household employment expenses deductible for employers who view these expenses as a medical expense or a business expense allowing the employer the opportunity to enter the labour force.

Experimental projects which could assist in refining the previous recommendations and could be developed in Winnipeg are:

1. A pilot project to train and place Canadian workers in positions where visa workers have been requested.

2. Provision for a trial expansion of present agency services incorporating more flexible procedures which will provide service for new clientele. (For the experimental project, one agency could be selected.)

3. A pilot project with employers and agencies testing various combinations of support services to meet the needs of employers.

4. Further research leading to the development of job descriptions including categories of experience, training, levels of responsibility and wage rates.

5. Evaluation of training programmes to determine factors of successful placement.

6. An educational forum at which clear, concise information on deductions is presented to both employers and workers including a packet of materials explaining responsibilities.

7. The establishment of a Household Workers Bureau prototype to work out feasible procedures and provisional details of organization.

Le présent document est disponible également en français sous le titre "Les employés de maison munis d'un visa d'emploi" à:

Emploi et Immigration Canada
Division des affaires publiques
Place du Portage, Phase IV
Ottawa - Hull
K1A 0J9

15394

Canada